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Author and Title

Colorado. Laws, statutes, etc.
Laws.

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LAWS

PASSED AT THE

ELEVENTH SESSION

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF COLORADO,

CONVENED AT DENVER,

ON THE

SIXTH DAY OF JANUARY, A. D. 1897.

PUBLISHED BY AUTHORITY.

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Secretary of State, for the use of the State of Colorado, in the office
of the Librarian of Congress, at Washington, D. C.

CERTIFICATE.

STATE OF COLORADO, }
OFFICE OF THE SECRETARY OF STATE, } ss.

I, CHARLES H. S. WHIPPLE, Secretary of State of the State of Colorado, do hereby certify that, by virtue of the authority vested in me by law, I have prepared for publication, and caused to be printed, a copy of all the laws passed by the Eleventh General Assembly of the State of Colorado, at the biennial and extra sessions thereof; that I have carefully compared the said printed laws with the original manuscripts now on file in my office, and that the following are true, full and correct copies thereof.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the
[Seal.] State of Colorado.

Done at Denver, this fifteenth day of May,
A. D. 1897.

C. H. S. Whipple

Secretary of State.



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AND

Members of the Eleventh General Assembly.

EXECUTIVE DEPARTMENT.

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Grace Espy Patton.....	Supt. of Public Instruction....	Denver

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Luther M. Goddard.....	Associate Justice.....	Denver
John Campbell.....	Associate Justice.....	Denver
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John B. Cooke.....	Deputy Clerk.....	Denver
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George W. Allen.....	} Second District.....	Denver
Owen E. LeFevre.....		
Calvin P. Butler.....		
Peter L. Palmer.....		
Frank T. Johnson.....	} Third District.....	Trinidad
Jesse G. Northcutt.....		
Ira Harris.....	} Fourth District.....	Colorado Springs
Horace G. Lunt.....		
Frank W. Owers.....	Fifth District.....	Leadville
James L. Russell.....	Sixth District.....	Durango
William H. Gabbert.....	Seventh District.....	Telluride
Jay H. Boughton.....	Eighth District.....	Fort Collins
Thomas A. Rucker.....	Ninth District.....	Aspen
John H. Voorhees.....	} Tenth District.....	Pueblo
N. Walter Dixon.....		
Morton S. Bailey.....	Eleventh District.....	Fairplay
Charles C. Holbrook.....	Twelfth District.....	Alamosa
Edward E. Armour.....	Thirteenth District.....	Sterling

DISTRICT ATTORNEYS.

Edward C. Mason.....	First District.....	Golden
S. D. Creighton Hays.....	Second District.....	Denver
Robert B. Ross.....	Third District.....	Trinidad
Henry M. Blackmer.....	Fourth District.....	Colorado Springs
Lewis R. Thomas.....	Fifth District.....	Leadville
Thomas J. Tarsney.....	Sixth District.....	Durango
Lyman I. Henry.....	Seventh District.....	Telluride
Adam C. Patton.....	Eighth District.....	Fort Collins
William B. Wiley.....	Ninth District.....	Aspen
George W. Collins.....	Tenth District.....	Pueblo
James T. Locke.....	Eleventh District.....	Fairplay
Theodore B. McDonald....	Twelfth District.....	Alamosa
Granville Pendleton.....	Thirteenth District.....	Sterling

OFFICERS APPOINTED.

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L. C. Paddock.....	Register Land Board.....	Denver
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Peter Jennings.....	Deputy Labor Commissioner.....	Denver
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Richard Kett.....	Inspector of Steam Boilers.....	Denver
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Thomas A. Rickard.....	State Geologist.....	Denver
Grace Espy Patton.....	State Librarian (<i>ex officio</i>).....	Denver
Hattie E. Stevenson.....	Assistant State Librarian.....	Denver

OFFICERS OF STATE INSTITUTIONS.

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 W. H. Trout.....Trustee.....Cañon City
 Mary S. McDonald.....Trustee.....Pueblo

OFFICERS.

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STATE PENITENTIARY.

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John Cleghorn.....Warden.....Cañon City
R. M. Barns.....Chaplain.....Cañon City
J. W. Dawson.....Physician.....Cañon City

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Robert M. Morrison	Chief Clerk	Denver

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OFFICERS.

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S. M. French.....	Commander.....	Monte Vista

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E. F. Graves.....		Denver

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Byron L. Carr, Attorney-General	Denver
Grace Espy Patton, Superintendent of Public Instruction,	Denver
L. C. Paddock, Register.....	Denver

OFFICERS.

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STATE BOARD OF EQUALIZATION.

Alva Adams, Governor, PresidentDenver
C. H. S. Whipple, Secretary of State.....Denver
George W. Kephart, State TreasurerDenver
Byron L. Carr, Attorney-GeneralDenver
John W. Lowell, State Auditor.....Denver
Nat Nathan, Secretary..... Denver

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J. W. BarnesSecretary..... Golden
Roady Kenehan..... Denver

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I. D. Chamberlain.....Secretary..... Pueblo
William H. Meyer.....Fort Garland

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Anna Marshall Cochran...SecretaryDenver
Louisa Arkins..... Denver
Dora E. Reynolds.....Denver
Tyson S. Dines..... Denver

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DENVER.

BOARD OF CONTROL.

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Alta B. Mayfield.....SecretaryDenver
Alice M. Ruble..... Denver
Mary A. Ingersoll..... Denver
Thos. A. Uzzell..... Denver

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OF LEGISLATION IN THE UNITED STATES.**

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C. M. Campbell..... Denver
A. M. Stevenson..... Denver

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Thomas Maloney..... Vice President..... Denver
Timothy Sugure..... Secretary Denver
James Henderson..... Treasurer Denver
Charles G. Lamb..... Veterinarian Denver

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Edward B. Morgan..... }
Nathan A. Baker..... } Vice-Presidents
George L. Cannon, Jr.. }
Charles R. Dudley..... Secretary Denver
William D. Todd..... Treasurer Denver
William C. Ferril..... Curator Denver

ELEVENTH GENERAL ASSEMBLY.

THE SENATE.

OFFICERS.

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Hon. Francis Carney.....	President Pro Tem.
Myron W. Reed.....	Chaplain
C. E. Hagar.....	Secretary
Stanley Stokes.....	Assistant Secretary
David A. Mills.....	Sergeant-at-Arms
R. C. Bonney.....	Reading Clerk
A. R. Bartholomew.....	Docket Clerk
Andy Kelly.....	Assistant Sergeant-at-Arms
James H. Clark.....	Assistant Sergeant-at-Arms
Mrs. Mary Aiken.....	Assistant Sergeant-at-Arms
Mrs. Francis H. Hord.....	Official Stenographer
Mrs. H. B. Stephens.....	Bill and Stationery Clerk
W. C. Slawson.....	Official Press Reporter
Geo. N. Raymond.....	Chief Printing Clerk
John I. Mullins.....	Chief Engrossing Clerk
H. I. Tompkins.....	Chief Enrolling Clerk

MEMBERS.

NAME	Age	Postoffice Address	County	District	Term	Politics
Adams, W. H.....	36	Alamosa	Conejos	24	1900	Dem.
Barela, Casimiro.....	50	Trinidad	Las Animas...	4	1900	Dem.
Blakey, Austin.....	48	Leadville	Lake	6	1898	Pop.
Bolsinger, Henry C..	39	Central City.	Gilpin	28	1898	Pop.
Bromley, Emmet A..	39	Brighton	Arapahoe	1	1900	Pop.
Campbell, J. O.....	41	Rico	Dolores	17	1898	Pop.
Canon, Benton.....	51	Grand Junc... Mesa		16	1898	Dem.

MEMBERS—Concluded.

NAME	Age	Postoffice Address	County	District	Term	Politics
Carney, Francis.....	50	Ouray	Ouray	18	1898	Pop.
Crosby, James.....	31	Harman	Arapahoe	22	1900	Pop.
Crowe, Patrick.....	41	Leadville	Lake	28	1898	Pop.
Evans, James C.....	51	Fort Collins..	Larimer	10	1898	S. R.
Felton, Willard B....	59	Canon City..	Fremont	9	1900	S. R.
Gallagher, Joseph....	47	Silver Plume..	Clear Creek....	12	1900	Pop.
Gaymon, O. K.....	39	Dillon	Summit	13	1900	S. R.
Gordon, John R.....	44	Pueblo	Pueblo	27	1898	Rep.
Harris, John J.....	47	Dolores	Montezuma ...	19	1900	N. S.
Kennedy, A. R.....	58	Cripple C'k..	El Paso	3	1898	Rep.
Locke, Chas. E.....	51	Denver	Arapahoe	1	1898	Rep.
Maxwell, James P....	58	Boulder	Boulder	5	1900	S. R.
Moody, Frank E.....	38	Monte Vista..	Rio Grande....	15	1898	Pop.
Morton, Jesse G.....	44	Pueblo	Pueblo	2	1898	Rep.
McCreery, James W..	47	Greeley	Weld	7	1900	S. R.
McNeely, John T.....	55	Silver Cliff..	Custer	14	1898	Rep.
Painter, J. H.....	42	Holyoke	Phillips	25	1898	S. R.
Porterfield, C. I.....	41	Pueblo	Pueblo	2	1900	Pop.
Reuter, Oscar.....	49	Denver	Arapahoe	1	1898	S. R.
Schermerhorn, J. R... ..	..	Denver	Arapahoe	1	1900	N. S.
Seldomridge, H. H...	32	Colo. Springs	El Paso	3	1900	Dem.
Sours, Paul J.....	46	Denver	Arapahoe	1	1898	Rep.
Stratton, Thomas H..	39	Lake George..	Park	20	1898	Pop.
Swink, George W.....	60	Rocky Ford..	Otero	23	1900	S. R.
Taylor, Edward T....	38	Gl'wood Sp's	Garfield	21	1900	N. S.
Thomas, Theodore H.	45	Denver	Arapahoe	1	1900	N. S.
West, Leander R....	53	Golden	Jefferson	8	1900	Dem.
Wheeler, B. Clark...	47	Aspen	Pitkin	11	1900	N. S.

OFFICERS.

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HOUSE OF REPRESENTATIVES.

OFFICERS.

Edwin W. Hurlbut.....	Speaker
A. B. Gray.....	Chief Clerk
F. M. Schooley.....	Assistant Clerk
E. V. Brake.....	Sergeant-at-Arms
John A. Martin.....	Reading Clerk
John D. Vaughan.....	Docket Clerk
John M. White.....	Assistant Sergeant-at-Arms
Frank Hollywood.....	Assistant Sergeant-at-Arms
J. C. Shull.....	Assistant Sergeant-at-Arms
Rev. W. S. Rudolph.....	Chaplain
W. F. Orahoad.....	Stationery and Bill Clerk
Clinton O. Bunn.....	Official Stenographer
D. H. Dickason.....	Chief Printing Clerk
N. S. Hurd.....	Chief Engrossing Clerk
W. J. Winters.....	Chief Enrolling Clerk

MEMBERS.

NAME	Age	Postoffice Address	Representing Counties	Politics
Anderson, H. L. L...	28	Trinidad	Las Animas	Democrat
Allen, Edwin G.....	44	Loveland	Larimer	Populist
Annear, Thomas.....	38	Silverton	Hinsdale, San Juan	Populist
Butler, Olive C.....	55	Denver	Arapahoe	Republican
Bodle, Thompson.....	52	Denver	Arapahoe	National Silver
Bucklin, J. W.....	40	Grand Junc...	Mesa	Single Tax
Crow, Geo. W.....	60	Breckenridge	Summit	Democrat
Creswell, John.....	49	Denver	Arapahoe	National Silver
Cooke, Persifor M....	36	Denver	Arapahoe	Populist
Chamberlin, Curtis...	45	Denver	Arapahoe	Populist
Champion, Lee.....	36	Florence	Fremont	Democrat
Conine, Martha A. B.	50	Denver	Arapahoe	Non-Partisan

MEMBERS—Continued.

NAME	Age	Postoffice Address	Representing Counties	Politics
Crowder, Chas. N....	38	Aspen	Pitkin	National Silver
Crowley, J. H.....	47	Rocky Ford..	Otero	Populist
De Votie, H. M.....	56	Greeley	Weld	Republican
Ehrhart, T. J.....	33	Centreville ..	Chaffee	Democrat
Engley, Eugene.....	44	Alamosa	Conejos	Socialist
Flansburg, Isaac.....	59	Longmont ...	Boulder	Silver Repub'n
Gardner, J. F.....	63	Franktown ..	Douglas	Republican
Garcia, Celestino.....	35	Conejos	Conejos	Republican
Greene, J. S.....	40	Pueblo	Pueblo	Democrat
Hilgenhaus, C. F....	43	Telluride	San Miguel.....	Silver Repub'n
Homfeld, Louis G....	34	Rico	Dolores and Montezuma	Democrat
Hart, J. T.....	57	Red Cliff.....	Eagle	Populist
Heartz, Evangeline...	43	Denver	Arapahoe	Populist
Helbig, John W.....	31	Denver	Arapahoe	National Silver
Hurlbut, E. W.....	42	Cripple Cr'k..	El Paso.....	National Silver
Jester, J. A.....	45	Ward	Boulder	Democrat
Jenkins, W. O.....	28	Central City.	Gilpin	Democrat
Jones, J. F.....	53	Louisville	Boulder	Democrat
La Vell, F. N.....	36	Elbert	Elbert, Lincoln.....	Democrat
Lawrence, J. S.....	43	Gunnison	Gunnison	Republican
Lewis, A. R.....	66	Durango	La Plata.....	Democrat
Lewis, Hume.....	26	Pueblo	Pueblo	Democrat
Montez, J. D.....	45	Malachite	Huerfano	Republican
McClure, Jas. E.....	54	Montrose	Montrose	Democrat
Monson, T. L.....	44	Fort Lupton.	Weld	Democrat
Nicol, Geo. A.....	38	Denver	Arapahoe	Populist
Orvis, J. W.....	40	Globeville	Arapahoe	National Silver
O'Neill, J. M.....	40	Leadville	Lake	Populist
Park, Jas. A.....	37	Pueblo	Pueblo	Republican
Park, Andrew.....	44	Pueblo	Pueblo	Democrat
Pierson, J. T.....	57	Ouray	Ouray	Populist

MEMBERS—Concluded.

NAME	Age	Postoffice Address	Representing Counties	Politics
Philp, Chas. T.....	33	Denver	Arapahoe	Populist
Powell, W. J.....	46	Sterling	Logan, Sedgwick, Phillips.....	Populist
Price, T. G.....	48	Burlington ..	Kit Carson and Cheyenne	Republican
Pruden, L. H.....	61	Howbert	Park	Populist
Ryan, Edw., Jr.....	26	Silver Cliff....	Custer	Democrat
Roe, Clark W.....	38	Amethyst	Rio Grande and Mineral.....	Populist
Rohde, W. E.....	37	Victor	El Paso.....	Populist
Robbins, D. W.....	52	Colo. Springs	El Paso.....	Populist
Sweeney, Bo.....	34	Trinidad	Las Animas.....	Democrat
Shumate, John T....	44	Glenw'd Sp's.	Garfield	Democrat
Sheridan, F. E.....	38	Meeker	Routt and Rio Blanco	Republican
Salazar, A. A.....	..	San Luis.....	Costilla	Republican
Stevens, Ralph E....	43	Denver	Arapahoe	National Silver
Stewart, Harvey.....	61	Alcott	Jefferson	Democrat
Sechrist, E. L.....	36	Wray	Yuma, Morgan, Washington	Populist
Woodward, F. P.....	32	Hastings	Las Animas and Bent.....	Democrat
Walker, Clark.....	52	Granada	Kiowa, Baker and Prowers.....	Populist
Waltman, G. T.....	54	Idaho Sp'ngs.	Clear Creek.....	Populist
Warden, J. M.....	39	Lockett	Saguache	Populist
Wolfe, Richard.....	48	Denver	Arapahoe	Populist
Whitney, Alex E....	48	Leadville	Lake	Populist
Wilber, Ernest.....	40	Buena Vista.	Chaffee	Populist

CHAPTER 1.

APPROPRIATIONS—REGULATING ORDER OF PAYMENT.

(S. B. No. 4.)

AN ACT

REGULATING THE PAYMENT OF APPROPRIATIONS IN CASE THE REVENUES OF THE STATE ARE INSUFFICIENT TO MEET ALL APPROPRIATIONS MADE BY THE GENERAL ASSEMBLY.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. In case the available revenues of the State for any fiscal year are insufficient to meet all the appropriations made by the General Assembly for such year, such appropriations shall be paid in the following order:

Order of payment if revenues insufficient.

First: The ordinary expenses of the legislative, executive and judicial departments of the State Government, and interest on any public debt, shall first be paid in full.

Legislative, executive and judicial.

Second: Appropriations for all institutions, such as the Penitentiary, Insane Asylum, Industrial School and the like, wherein the inmates are confined involuntarily, shall be next paid.

Penal institutions, etc.

Third: Appropriations for educational and charitable institutions.

Educational.

Fourth: Appropriations for any other officer or officers, bureaus and boards, to be paid pro rata, [pro rata] if there be not sufficient funds to pay in full.

Pro rata if insufficient funds.

Fifth: All other appropriations made pro rata out of the General Fund shall next be paid from all revenues available to meet such appropriations.

Available revenue.

Section 2. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect from and after its passage.

Emergency.

Approved April 14, 1897.

CHAPTER 2.

APPROPRIATION—ARBITRATION, STATE BOARD OF.

(S. B. No. 90.)

AN ACT

CREATING A STATE AND LOCAL BOARDS OF ARBITRATION
AND PROVIDING FOR THE ADJUSTMENT OF DIFFER-
ENCES ARISING BETWEEN EMPLOYERS AND EMPLOYES
AND DEFINING THE POWERS AND DUTIES THEREOF AND
MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the General Assembly of the State of Colorado:

Title.

Section 1. There shall be established a State Board of Arbitration consisting of three members, which shall be charged, among other duties provided by this Act, with the consideration and settlement by means of arbitration, conciliation and adjustment, when possible, of strikes, lockouts and labor or wage controversies arising between employers and employees.

Objects.

Governor
appoint board
of three.

Qualifications.

Section 2. That immediately after the passage of this Act the Governor shall appoint a State Board of Arbitration, consisting of three qualified resident citizens of the State of Colorado and above the age of thirty years. One of the members of said Board shall be selected from the ranks of active members of bona fide labor organizations of the State of Colorado, and one shall be selected from active employers of labor or from organizations representing employers of labor. The third member of the Board shall be appointed by the Governor from a list which shall not consist of more than six names selected from entirely disinterested ranks submitted by the two members of the Board above designated. If any

List of six
from which
third member
chosen.

vacancy should occur in said Board, the Governor shall, in the same manner, appoint an eligible citizen for the remainder of the term, as herein before provided.

Section 3. The third member of said Board shall be Secretary thereof, whose duty it shall be, in addition to his duties as a member of the Board, to keep a full and faithful record of the proceedings of the Board and perform such clerical work as may be necessary for a concise statement of all official business that may be transacted. He shall be the custodian of all documents and testimony of an official character relating to the business of the Board; and shall also have, under direction of a majority of the Board, power to issue subpoenas, to administer oaths to witnesses cited before the Board, to call for and examine books, papers and documents necessary for examination in the adjustment of labor differences, with the same authority to enforce their production as is possessed by courts of record or the judges thereof in this State.

Third member
shall be
secretary.

Have power to
issue subpoenas
and administer
oaths.

Powers of
courts of
record.

Section 4. Said members of the Board of Arbitration shall take and subscribe the constitutional oath of office, and be sworn to the due and faithful performance of the duties of their respective offices before entering upon the discharge of the same. The Secretary of State shall set apart and furnish an office in the State Capitol for the proper and convenient transaction of the business of said Board.

Oath of office.

Office at state
capitol.

Section 5. That whenever any grievance or dispute of any nature shall arise between employer and employes, it shall be lawful for the parties to submit the same directly to said Board, in case such parties elect to do so, and shall jointly notify said Board or its Clerk in writing of such desire. Whenever such notification is given it shall be the duty of said Board to proceed with as little delay as possible to the locality of such grievance or dispute, and inquire into the cause or causes of such grievance.

Labor disputes
submitted to
board.

Board proceed
to locality of
dispute.

No lockout or
strike until
decision of
board.

ance or dispute. The parties to the grievance or dispute shall thereupon submit to said Board in writing, clearly and in detail, their grievances and complaints and the cause or causes therefor, and severally agree in writing to submit to the decision of said Board as to the matters so submitted, promising and agreeing to continue on in business or at work, without a lockout or strike until the decision is rendered by the Board, provided such decision shall be given within ten days after the completion of the investigation. The Board shall thereupon proceed to fully investigate and inquire into the matters in controversy and to take testimony under oath in relation thereto; and shall have power under its Chairman or Clerk to administer oaths, to issue subpoenas for the attendance of witnesses, the production of books and papers in like manner and with the same powers as provided for in Section 3 of this Act.

Render decision
within ten days.

File four copies.

Section 6. That, after the matter has been fully heard, the said Board, or a majority of its members, shall, within ten days, render a decision thereon in writing, signed by them or a majority of them, stating such details as will clearly show the nature of the decision and the points disposed of by them. The Clerk of said Board shall file four copies of such decision, one with the Secretary of State, a copy served to each of the parties to the controversy, and one copy retained by the Board.

Section 7. That whenever a strike or lockout shall occur or seriously threaten in any part of the State, and shall come to the knowledge of the members of the Board, or any one thereof by a written notice from either of the parties to such threatened strike or lockout, or from the Mayor or Clerk of the city or town, or from the Justice of the Peace of the district where such strike or lockout is threatened, it shall be their duty, and they are hereby directed, to proceed as soon as practicable to the locality of such strike or lockout and put themselves in communica-

tion with the parties to the controversy and endeavor by mediation to effect an amicable settlement of such controversy, and, if in their judgment it is deemed best, to inquire into the cause or causes of the controversy: and to that end the Board is hereby authorized to subpoena witnesses, compel their attendance and send for persons and papers in like manner and with the same powers as it is authorized by Section 3 of this Act.

When strike threatened shall endeavor to effect amicable settlement.

Section 8. That the fees of witnesses before said Board of Arbitration shall be two dollars (\$2.00) for each day's attendance, and five (5) cents per mile over the nearest traveled route in going to and returning from the place where attendance is required by the Board. All subpoenas shall be signed by the Secretary of the Board and may be served by any person of legal age authorized by the Board to serve the same.

Fees of witnesses.

Subpoenas signed by secretary.

Section 9. The parties to any controversy or difference as described in Section 5 of this Act may submit the matters in dispute in writing to a local Board of Arbitration and conciliation; said Board may either be mutually agreed upon or the employer may designate one of such arbitrators, the employes or their duly authorized agent another, and the two arbitrators so designated may choose a third who shall be Chairman of such local Board; such Board shall in respect to the matters referred to it have and exercise all the powers which the State Board might have and exercise, and its decision shall have such binding effect as may be agreed upon by the parties to the controversy in the written submission. The jurisdiction of such local Board shall be exclusive in respect to the matter submitted to it, but it may ask and receive the advice, and assistance of the State Board. Such local Board shall render its decision in writing within ten days after the close of any hearing held by it, and shall file a copy thereof with the Secretary of the State Board. Each of such

May submit disputed matters to local boards.

How such boards organized.

Have powers of state board.

Local board render decision within ten days.

File with secretary of state board.

local arbitrators shall be entitled to receive from the Treasurer of the city, village or town in which the controversy or difference that is the subject of arbitration exists, if such payment is approved by the Mayor of such city, the Board of Trustees of such village, or the Town Board of such town, the sum of three dollars for each day of actual service not exceeding ten days for any one arbitration: Provided that when such hearing is held at some point having no organized town or city government, in such case the costs of such hearing shall be paid jointly by the parties to the controversy. Provided further that in the event of any local Board of Arbitration or a majority thereof failing to agree within ten (10) days after any case being placed in their hands, the State Board shall be called upon to take charge of said case as provided by this Act.

Fees—how paid.

If fail to agree,
state board
take charge.

Annual report.

Secretary of
state have
printed.

Shall not
exceed.

Compensation
of members.

Secretary,
salary.

Warrants issued
by auditor
monthly.

Section 10. That said State Board shall report to the Governor annually, on or before the fifteenth day of November in each year, the work of the Board, which shall include a concise statement of all cases coming before the Board for adjustment.

Section 11. That the Secretary of State shall be authorized and instructed to have printed for circulation one thousand (1,000) copies of the report of the Secretary of the Board, provided the volume shall not exceed four hundred (400) pages.

Section 12. That two members of the Board of Arbitration shall each receive the sum of five hundred dollars (\$500) annually, and shall be allowed all money actually and necessarily expended for traveling and other necessary expenses while in the performance of the duties of their office. The member herein designated to be the Secretary of the Board shall receive a salary of twelve hundred dollars (\$1,200) per annum. The salaries of the members shall be paid in monthly instalments by the State Treasurer upon warrants issued by the Auditor of the State. The other expenses of the Board shall be

paid in like manner upon approved vouchers signed by the Chairman of the Board of Arbitration and the Secretary thereof.

Section 13. The terms of office of the members of the Board shall be as follows: That of the members who are to be selected from the ranks of labor organizations and from the active employers of labor shall be for two years, and thereafter every two years the Governor shall appoint one from each class for the period of two years. The third member of the Board shall be appointed as herein provided every two years. The Governor shall have power to remove any members of said Board for cause and fill any vacancy occasioned thereby.

Terms of office.

Governor may remove.

Section 14. For the purpose of carrying out the provisions of this Act there is hereby appropriated out of the General Revenue Fund the sum of seven thousand dollars for the fiscal years 1897 and 1898, only one-half of which shall be used in each year, or so much thereof as may be necessary, and not otherwise appropriated.

Appropriation.

One-half each year.

Section 15. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Emergency.

Approved March 31, 1897.

CHAPTER 3.

APPROPRIATION—CAPITOL BUILDING.

(S. B. No. 433.)

AN ACT

MAKING AN APPROPRIATION FOR THE MAINTENANCE AND SUPPORT OF THE STATE CAPITOL BUILDING AND GROUNDS OF THE STATE OF COLORADO, FOR THE YEARS OF 1897 AND 1898.

Be it Enacted by the General Assembly of the State of Colorado:

Appropriation
for maintenance
and support.

Section 1. For the maintenance and support of the State Capitol building and grounds of the State of Colorado, for the furnishing of heat, light, water, telephone service, necessary supplies for State offices, and engineers, firemen, engine and boiler supplies, electric lighting plant, repairs, watchmen, elevator pilots, janitors, janitors' supplies, laborers on grounds, ground supplies, etc., for the years of 1897 and 1898 there is hereby appropriated out of the Capitol Building Fund the sum of sixty-three thousand dollars (\$63,000.00), or so much thereof as may be necessary.

Auditor issue
certificates of
indebtedness
where no funds.

Section 2. The Auditor of State is hereby authorized and directed to issue certificates of indebtedness for all claims duly audited and certified by the Board of Capitol Managers, or its successors, for material furnished and labor performed, where there are no funds in the treasury at the time of the issuance thereof, to meet the same; said certificates of indebtedness to be payable out of the Capitol Building Fund and out of the moneys appropriated for the maintenance of said Capitol building and grounds. The faith and credit of the State of Colorado is

hereby pledged for the payment of interest and principal of this indebtedness; and it is further provided, That the said certificates of indebtedness shall be presented to the State Treasurer, who shall thereupon countersign and indorse the same as bearing interest at the rate of six per cent (6%) per annum, payable semi-annually, from the date of presentation to the date of payment thereof; but in no event shall the certificates be in excess of the appropriations made for the maintenance and support of said State Capitol building and grounds.

Certificates
countersigned
by treasurer.

Interest.

Must not exceed
appropriation.

Approved April 10, 1897.

CHAPTER 4.

APPROPRIATION—CAPITOL BUILDING.

(S. B. No. 194.)

AN ACT

MAKING AN APPROPRIATION FOR THE COMPLETION OF THE STATE CAPITOL BUILDING AND IMPROVEMENT OF GROUNDS OF THE STATE OF COLORADO; PROVIDING FOR THE USE OF COLORADO MARBLE THEREIN AND AUTHORIZING THE ISSUANCE OF CERTIFICATES OF INDEBTEDNESS IN PAYMENT FOR LABOR AND MATERIAL USED IN THE CONSTRUCTION AND COMPLETION THEREOF.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. There is hereby appropriated out of any moneys in the treasury, being funds created by levy or otherwise, for the construction of the State Capitol building, and improvement of grounds, and from such other funds as make part of what is known and styled as the "Capitol Building Fund," and not otherwise appropriated, the sum of one hun-

Appropriation.

dred and forty thousand (140,000) dollars; said appropriation being necessary in order to enable the contractor to complete the interior marble decoration, according to the plans and specifications of the Superintendent; and, further, to complete the entire building according to the plans adopted. It is further provided, that out of the total sum of one hundred and forty thousand (140,000.) dollars hereby appropriated, eighty nine thousand and five hundred dollars (\$89,500) shall be used for the purpose of finishing the interior marble decorations, by the contractors, according to the plans and designs of the Superintendent of the building; and the balance, fifty thousand and five hundred dollars (\$50,500) shall be used for the completion of the building and improvement of grounds; said building to be completed in as short a time as is consistent with the high character of the work to be performed and the time necessary to manufacture and procure the material in Colorado.

For marble decorations.

For completion of building and improvement of grounds.

Complete in short time as possible and use Colorado material.

Auditor issue certificates of indebtedness where no funds.

Section 2. The Auditor of State is hereby authorized and directed to issue certificates of indebtedness for all claims duly audited and certified by the board of Capitol Managers for material furnished and labor performed in and about the erection and construction of said building, where there are no funds in the treasury, at the time of the issuance thereof, to meet the same; said certificates of indebtedness to be payable out of the Capitol Building Fund and out of the moneys appropriated for the erection and completion of said Capitol building.

Certificates countersigned by treasurer.

Interest.

The faith and credit of the State of Colorado, is hereby pledged for the payment of interest and principal of this indebtedness; and it is further provided, that the said certificates of indebtedness shall be presented to the State Treasurer, who shall thereupon countersign and endorse the same as bearing interest at the rate of six per cent. (6%) per annum, from the date of presentation to the date of payment

thereof; but in no event shall the certificates be in excess of the appropriations made for the construction and completion of said building.

Certificates not
to exceed
appropriation.

Section 3. On the tenth day of each and every month, if there be funds in the treasury to pay any certificates of indebtedness provided for in the foregoing section, the Treasurer of State is hereby required and directed to give notice by advertisement in a newspaper published in the city of Denver, designating the certificate by number, in order of their presentation to the State Treasurer and endorsed thereon, which the funds in the treasury will pay. At the expiration of thirty days from the date of the last insertion, interest on the certificates so named as being payable shall cease.

Treasurer give
notice.

Certificates—
how paid.

Interest cease.

Section 4. All acts and parts of acts inconsistent with the provisions hereof are hereby repealed.

Repeal.

Section 5. In the opinion of the General Assembly an emergency exists with regard to the matters provided for in this bill; and, therefore, this Act shall take effect and be in force from and after its passage.

Emergency.

Approved March 31, 1897.

CHAPTER 5.

APPROPRIATION—CONVICT LABOR.

(H. B. No. 55.)

AN ACT

TO AMEND SECTION ONE OF AN ACT, APPROVED APRIL 19, A. D. 1889, ENTITLED "AN ACT TO AMEND SECTION ONE OF AN ACT ENTITLED 'AN ACT CONCERNING CONVICT LABOR AND THE PRODUCT OF CONVICT LABOR, APPROVED APRIL 2, A. D. 1887,'" TO REPEAL ALL LAWS IN CONFLICT THEREWITH, AND TO MAKE AN APPROPRIATION REQUISITE TO CARRY THE SAME INTO OPERATION.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That Section One of an act entitled "An Act to Amend Section One of an Act Entitled 'An Act Concerning Convict Labor and the Product of Convict Labor, approved April 2, 1887,'" be, and the same is, hereby amended so as to read as follows:

"Sec. 1." That every able-bodied convict shall be put to, and kept at, the work most suitable to his or her capacity, and most advantageous to the people of the State of Colorado, and which may least conflict with the free labor of the said State, during his or her confinement; and the earnings of such convict, after deducting sufficient thereof to pay and satisfy the cost of maintenance and retention, shall be given to the family of such convict, or dependents, if there be any, if there be none, the same accumulated shall be paid to such convict upon discharge from the Penitentiary.

Convicts placed at service.

Must not conflict with free labor.

Earnings to family or dependents.

Or to convict's credit when discharged.

Appropriation.

Sec. 2. That the sum of ten thousand (\$10,000) dollars is hereby appropriated out of any moneys in

the State Treasury, not otherwise appropriated, for the purpose of carrying this Act into operation and the payment of warrants drawn on account thereof.

Sec. 3. That all acts and parts of acts and all laws and parts of laws in conflict herewith are hereby repealed. **Repeal.**

Sec. 4. In the opinion of the General Assembly of the State of Colorado an emergency exists, therefore this Act shall take effect and be in force from and after its passage. **Emergency.**

Approved April 28, 1897.

CHAPTER 6.

APPROPRIATION—ELEVENTH GENERAL ASSEMBLY.

(S. B. No. 63.)

AN ACT

TO PROVIDE FOR THE PAYMENT OF A PART OF THE EXPENSES OF THE ELEVENTH GENERAL ASSEMBLY OF THE STATE OF COLORADO.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. There is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of paying a part of the expenses of the Eleventh General Assembly, the following amounts: **Appropriation.**

For the per diem and mileage of members, the per diem of officers, clerks, and other employes, the sum of seventy five thousand dollars; for expenses incurred by committees and the contingent expenses ordered by either House, the sum of twelve thousand dollars. **Per diem and mileage.**
Contingent expenses.

Emergency.

Section 2. In the opinion of the General Assembly an emergency exists, therefore this Act shall take effect and be in force from and after its passage.

Approved January 28, 1897.

CHAPTER 7.

APPROPRIATION—FISH HATCHERIES.

(H. B. No. 199.)

AN ACT

CONCERNING THE FISH HATCHERIES OF THE STATE OF COLORADO.

Be it Enacted by the General Assembly of the State of Colorado:

Appropriation—
Denver
hatchery.

Section 1. That the sum of \$2,000 is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, for the purpose of paying the necessary operating expenses of the State Fish Hatchery at Denver for the fiscal year ending November 30, 1897. And the further sum of \$1,200 is hereby appropriated for the same purposes for the fiscal year ending November 30, 1898.

Gunnison.

Sec. 2 That the sum of \$2,000 is hereby appropriated for the necessary operating expenses of the State Fish Hatchery at Gunnison and for permanent improvements at said Hatchery during the fiscal year ending November 30, 1897. And the further sum of \$1,200 is hereby appropriated for the same purposes during the fiscal year ending November 30, 1898.

La Plata.

Sec. 3. That the sum of \$600 is hereby appropriated for fish food, horse feed and permanent improvements of the La Plata County State Fish Hatchery for the fiscal year ending November 30, 1897.

Sec. 4. That the further sum of \$600 is hereby appropriated for the same purposes during the fiscal year ending November 30, 1898.

Sec. 5. That the Twin Lakes Hatchery be abandoned and either sold under the direction of the Governor and the proceeds converted into the State treasury or at the option of the Governor and the Superintendent of State Fish Hatcheries said Hatchery be donated to the United States.

Twin Lakes hatchery abandoned.

Sec. 6. That no moneys above appropriated shall be used for any other purpose or for any other Hatchery than as above specified.

Moneys used for no other purpose.

Sec. 7. No fish, fry or ova which may be in any of said Hatcheries shall be sold or disposed of; Provided, That the Superintendent of State Fish Hatcheries shall not be prevented by the above provision from exchanging either fish, fry or ova with any other Hatchery.

Stock in hatcheries not be sold, but may exchange.

Sec. 8. The State Treasurer shall pay the amounts herein appropriated, upon presentation of the warrants of the State Auditor, approved by the Governor and the Superintendent of State Fish Hatcheries.

Warrants drawn by auditor.

Sec. 9. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Emergency.

Approved April 29, 1897.

CHAPTER 8.

APPROPRIATION—FORESTRY, GAME AND FISH.

(H. B. No. 129.)

AN ACT

RELATING TO FORESTRY, GAME AND FISH, PRESCRIBING
PENALTIES FOR THE VIOLATION THEREOF, AND RE-
PEALING ALL ACTS INCONSISTENT THEREWITH

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. The department of Forestry, Game and Fish is hereby created. Immediately upon the passage of this Act, and every two years thereafter, the Governor of this State shall, by and with the advice and consent of the Senate, appoint some person skilled in matters relating to forestry, game and fish, to be the State Forest, Game and Fish Commissioner, who shall be the head of said department, with power in the Governor at any time to remove said Commissioner for cause, and in vacation of the Senate to fill any vacancy in said office by appointment in writing filed with the Secretary of State. Said Commissioner shall be a resident and citizen of this State, and shall hold his office for the term of two years, or until his successor shall be duly appointed and qualified, and all such appointments shall expire on February first. Said Commissioner shall receive a salary of twelve hundred dollars per annum, payable monthly on warrants drawn by the State Auditor, together with his reasonable and necessary traveling expenses approved by the Auditor not exceeding \$500 per annum payable in the same manner.

Governor
appoint com-
missioner.

May remove
for cause or
fill vacancy.

Term of two
years.

Expires Feb. 1.

Salary.

Auditor draw
warrants.

Traveling
expenses not
exceed.

Bond.

Sec. 2. Before entering upon the duties of his office, said Commissioner shall enter into a bond to

the state of Colorado in the sum of five thousand dollars, conditioned for the faithful performance of the duties of his said office, with sureties approved by the State Auditor, the same to be filed with the Secretary of State; and shall make and file the oath required of other State officers.

Sec. 3. Said Commissioner shall be provided with an office at the State Capitol, where all the official records of said department shall be kept and preserved, and with suitable furniture, stationery and other facilities for the transaction of the business of said department. He may appoint a Clerk, at a salary not exceeding six hundred dollars per annum, payable monthly upon warrants drawn by the State Auditor, with power at any time to remove said Clerk and appoint a successor.

Sec. 4. Said Commissioner may, in writing, appoint three Forest and Game Wardens, residents and citizens of this State, all such appointments to be filed with the State Auditor. The Forest and Game Wardens shall each receive a salary of nine hundred dollars per annum, and his reasonable and necessary traveling expenses not to exceed the sum of three hundred dollars per annum. All of the said salaries and traveling expenses shall be payable monthly upon warrants drawn by the State Auditor.

Each of the said Wardens shall serve for two years, and may at any time be removed by said Commissioner, and his successor appointed in the same manner.

The Commissioner may also appoint and remove at pleasure special Game Wardens to serve without pay, who shall have the same power as the other officers named in this Act.

Sec. 5. Said Commissioner shall publish in pamphlet form for general distribution any and all laws of the State relating to forestry, game and fish, at an expense not exceeding one hundred dollars.

Appoint superintendent.

Term of two years.

Salary.

Traveling expenses not exceed.

Approved by commissioner. Superintendent may appoint assistants.

Compensation.

Duties of commissioner and assistants.

Powers of sheriffs and constables to arrest.

Co-operate with United States officers.

Sec. 6. Said Commissioner may also by writing filed in the same office, appoint a Superintendent of State Fish Hatcheries, who shall be skilled in fish culture, and in the nature and habits of food fish, and who shall hold his office for the term of two years, with power in said Commissioner at any time to remove said Superintendent, and to appoint a successor in like manner. Said Superintendent shall receive an annual salary of one thousand dollars per annum, payable monthly in the same manner, and his reasonable and necessary traveling expenses, not to exceed four hundred dollars (\$400) per annum, approved by the Commissioner, payable in the same manner. Said Superintendent may appoint an Assistant Superintendent at each of the operative fish hatcheries of the State at a salary of nine hundred dollars per annum, to be paid in the same manner.

Sec. 7. It shall be the duty of said Commissioner, Wardens and Deputies to enforce all the laws of this State relating to forestry, game and fish and to devote their entire time to the performance of the duties specified in this Act. Said officers are hereby authorized and required to exercise the utmost care and vigilance in the protection and extinguishment of fires which may destroy forest growth; to arrest any and all persons found trespassing on forest lands or unlawfully cutting timber or wood thereon or in any other manner violating any of the laws of this State relating to forestry, game or fish; and to cause prosecutions to be instituted and conducted for the punishment of such offenses. In the performance of such duties said Commissioner, Wardens and Deputies shall have all the rights and powers of Sheriffs and Constables, and may call to their aid such persons within the county as they may deem necessary. Any person who shall without cause refuse to give such aid when requested shall be deemed guilty of a misdemeanor. All of the said officers shall co-operate with the officers of the United States in the protec-

tion of forests and in the enforcement of the laws of the United States relating thereto.

Sec. 8. Said Commissioner shall biennially [bien-^{Biennial report.} nially] make to the Governor of the State a report of the transactions of said department, and the Governor shall embody the substance of the same in his report to the General Assembly. Said report shall contain an audited account of the work done, of mon-
eys expended and recommendations for future work, the cost of said report not to exceed three hundred ^{Cost not} dollars. ^{exceed.}

FORESTRY.

Sec. 9. Said Commissioner shall, as much as possible, promote the growth and extension of the ^{Promote timber} forest areas of the State, and encourage the plant-^{culture.} ing of trees and the preservation of the sources of water supply; but nothing in this Act contained shall ^{Conserve water} authorize the Commissioner to interfere with the use ^{supply.} of timber for domestic, mining or agricultural purposes, in accordance with existing laws. He shall have the care of all woodlands and forests which ^{Care of wood-} may at any time be owned or controlled by the State, ^{lands and} and shall cause all such lands to be located and re-^{forests.} corded in a book to be kept for that purpose. ^{Keep record.}

Sec. 10. No person who is directly or indirectly engaged in the manufacture of lumber, railroad ties, telegraph or telephone poles, or in any business requiring a large consumption of timber or ^{Persons dis-} wood, shall be qualified for the office of said Com-^{qualified for} missioner, or for appointment to any office by said ^{appointment.} Commissioner.

FOREST FIRES.

Sec. 11. Any person who shall start or cause or suffer to be started any fire on his own premises or elsewhere, in or near any woodland, forest or prairie, without having first prepared a good and sufficient guard line, by ploughing or otherwise ^{Guard lines to} around the place where the fire is to be started, suffi-^{protect forests} cient to prevent the spreading of fire beyond the ^{from fires.}

Misdemeanor if guard line, shall be deemed guilty of a misdemeanor. All camp fires must be totally extinguished before breaking camp.
 not maintained.
 Camp fires.

Sec. 12. Any person who shall wilfully or maliciously set on fire, or cause or suffer to be set on fire, any woods, prairie or ground of any description, other than his own, or who shall intentionally or by neglect permit any destructive fire to pass from his own ground, shall be deemed guilty of a misdemeanor.
 Misdemeanor to maliciously set on fire.

Sec. 13. Any person who shall cut or remove any coniferous growth from the public lands, or State lands, with the intent to ship or sell the same outside the State, shall be deemed guilty of a misdemeanor, but this provision shall not apply to the transplanting of trees for ornamental purposes.
 Misdemeanor to remove coniferous growth except.

PROPERTY IN GAME.

Sec. 14. No person shall at any time or in any manner acquire any property in, or subject to his dominion or control, any of the birds, animals or fish within this State of the kinds herein mentioned; but they shall at all times and under all circumstances and conditions remain the sole property of this State.
 Shall not acquire property in game.
 Sole property of state.

By killing, catching or taking the same, however, in the manner and quantity, and for the purposes herein authorized, and during the period when their killing or otherwise taking is not herein prohibited, the same may be used at the time, in the manner and for the purposes herein expressly authorized, but not otherwise.
 May be killed or taken at specified seasons.

BIRDS.

Sec. 15. No person shall at any time kill, ensnare, net or trap any robin, lark, whip-poor-will, finch, sparrow, thrush, wren, martin, swallow, snow-bird, bobolink, red-winged black bird, crow, raven, turkey buzzard, oriole, king bird, mocking bird, song sparrow or other insectivorous bird or birds or any
 Unlawful to kill insectivorous birds.

pheasant, quail, ptarmigan or partridge; Provided, It shall be lawful to shoot pigeons from traps for the purposes of practice and acquiring skill in the art of shooting; Provided, Such trap shooting is held under the auspices of a regularly incorporated club. Further providing that such shooting shall be at all times open for inspection to any regularly appointed officer of the Humane Society.

Lawful to shoot pigeons from traps.

If incorporated club.

Humane society may inspect.

Sec. 16. No person shall kill, ensnare, net or trap any wild turkey, prairie hen, prairie chicken, sage chicken, grouse or dove; Provided, That the same may be shot between August 15 and November 1 of the same year, and that doves may be shot between August 1 and October 1 of the same year.

Open season game birds, Aug. 15 to Nov. 1.

Doves Aug. 1 to Oct. 1.

DUCKS AND GEESE.

Sec. 17. No person shall kill, shoot or otherwise take any wild ducks, geese, brant or swans or other water fowl, except between the first day of September and the first day of May following, during which time the same may be shot or killed by means of an ordinary shoulder gun; and it shall be unlawful to use any swivel or punt gun for said purpose.

Water fowl Sept. 1 to May 1.

Unlawful to use swivel or punt gun.

Sec. 18. No person shall at any time ensnare, net or trap any wild duck, wild goose, brant, swan or any other water fowl.

Unlawful to ensnare water fowl.

Sec. 19. No person shall, during the night-time, by the use of any artificial light or any like device whatever, net, hook, catch, kill, injure, pursue, or attempt to catch, kill or injure any wild duck, wild goose, brant, swan or other water fowl or fish.

Night hunting with artificial light prohibited.

GAME.

Sec. 20. It shall be unlawful at any time to kill, wound, ensnare, trap or have in possession any bison, mountain sheep or elk; Provided, however, That nothing in this Act shall be construed to prohibit or prevent the establishment of a park for breeding, domesticating and raising of elk, antelope, deer or mountain sheep.

Unlawful to kill, wound or ensnare bison, mountain sheep or elk at any time.

May be domesticated in parks.

Unlawful to kill or trap beaver except. Sec. 21. It shall be unlawful at any time to kill, wound, ensnare or trap any beaver; but this shall not inhibit the owners of any canal or ditch from killing any beaver that interferes with such canal or ditch.

Unlawful to use game for baiting. Sec. 22. It shall be unlawful to use any wild game mentioned in this Act for the purpose of baiting any trap.

Unlawful to course with dogs. Sec. 23. It shall be unlawful to use any dog or dogs for the purpose of running or coursing mountain sheep, deer, elk or antelope.

Deer or antelope with horns may be killed Sept. 1 to Oct. 15. Sec. 24. It shall be unlawful at any time to kill, wound, trap, ensnare or otherwise take or capture, or to have in possession any deer or antelope for any purpose whatever; except that those which have horns may be killed and had in possession between the first day of September and the fifteenth day of October of the same year, for consumption only, and then only for immediate use, governed in number and quantity by the reasonable necessity of the person claiming the benefit of this exception; and "reasonable necessity" shall be construed to mean not more than one deer or antelope in possession of any one person at any one time.

Unlawful to waste. Sec. 25. It shall be unlawful to kill, catch or otherwise take or destroy and to leave to waste or in any manner to cause or suffer to be wasted, any bird, animal or fish in this Act mentioned, or any useful part or parts thereof.

Killing limited to 20 birds. Except doves. Twenty pounds of fish. Sec. 26. It shall be unlawful to wantonly destroy any bird, animal or fish in this Act mentioned. The killing of more than twenty such birds, other than doves, or more than one animal of any such kind, or the catching or taking of more than twenty pounds of fish by any one person in any one day, shall be deemed a wanton destruction of all such birds, animals or fish killed, caught or taken in excess of said number or quantity.

Sec. 27. It shall be unlawful at any time to sell or expose for sale, or to cause or suffer to be sold or exposed for sale, or to kill, capture or otherwise take with intent to sell, or to offer to any common carrier for shipment, or to ship by any common carrier with intent to sell the head, hide (tanned or untanned), horns or meat of any animal mentioned in this Act. Unlawful to sell or ship.

Sec. 28. It shall be unlawful at any time for any person or corporation engaged in the business of cold storage to receive for cold storage, or to have in cold storage, any of the animals mentioned in this Act. Unlawful to receive for cold storage.

Sec. 29. It shall be unlawful for any common carrier to receive for shipment or to ship the carcass of any animal mentioned in this Act, or any part or parts thereof; Provided, That when taken or killed, as permitted by this Act, and when accompanied by the person who actually took or killed the same, the same may be received and shipped but not otherwise. Common carrier shall not ship except.

Sec. 30. All Wardens and Deputies throughout the State, and all Sheriffs and Constables in their respective counties, and [are] authorized and required to enforce this Act and seize any animal or part thereof taken or held in violation of this Act; and they shall have full power and authority and it shall be their duty with or without a warrant, to arrest any person guilty of a violation thereof; to open enter and examine all camps, wagons, cars, stages, tents, packs, warehouses, stores, outhouses, stables, barns and other places (dwelling houses actually occupied only excepted), boxes, barrels and packages where they have reason to believe any animal or part thereof, taken or held in violation of this Act, is to be found and to seize the same. Duties and authority of wardens and deputies. May arrest violators and seize game.

All officers taking or seizing any such birds, animals or fish, shall at once report all the facts attending the same to the said Commissioner, and shall Report facts to commissioner and distribute to poor.

deliver the same to the poorhouses, hospitals, or other charitable institutions, or to any poor people of this State.

Certificates to scientific bodies to collect.

In open season. Scientific purposes only.

Shall not dispose of specimens.

How certificate obtained.

Must execute bond.

Fee to commissioner.

Bond forfeited and certificate void if violated.

In force three months.

Not transferable. Proviso.

Sec. 31. Certificates may be granted by said Commissioner to any member of any society of natural history, or other scientific body organized for the study of natural history, or any accredited person whom such society may designate within the State, permitting the holder of such certificate in the open season to collect, for strictly scientific purpose only, the birds animals or fish protected by this Act. No person to whom such certificate shall be issued, shall dispose of any such specimens, by gift or otherwise, except by exchange of specimens for scientific purposes only. In order to obtain such certificate, the applicant for the same shall present and file with said Commissioner written testimonials from two well known citizens, certifying to the fitness of the applicant to be entrusted with such privilege, and a properly executed bond in the sum of one hundred dollars, signed by two responsible persons of this State, as sureties, conditioned for a faithful compliance with all the provisions of this Act, and shall pay to said Commissioner, upon the issuance of such certificate, the sum of five dollars, to be used and accounted for by him in enforcing the provisions of this Act. Said bond shall be forfeited to the State, and the certificate become void upon conviction of said applicant of any violation of any provision of this Act. Such certificate shall be in force and have effect for three months only from the date of its issue, and shall not be transferable; Provided, That no permit shall be issued to any person to kill any bison, mountain sheep or elk.

FISH.

Superintendent have charge of public fish hatcheries.

Sec. 32. All State fish hatcheries are hereby placed under direction and control of the Superintendent of Fish Hatcheries, who shall have supervision of all fish cultural matters of a public nature,

conduct all operations of the State in the propagation and distribution of fish belonging to the State, determine the necessity for fish-ways, and the location, form and capacity thereof, and direct their construction and maintenance. He may obtain ova from such fish, from such places and of such varieties, as he may deem most suitable for the waters of this State, and have the same hatched at any of the State hatcheries or other proper places. He may obtain the parent fish or young fry of desirable varieties, that cannot be successfully propagated and distribute the same in a prudent and equitable manner to the different public waters of this State. He shall examine the public waters of this State and stock the same if suitable, with varieties of fish best adapted to such waters; and it shall be unlawful for any person to take fish from such public waters, not previously stocked, within two years from the date of stocking the same.

Obtain ova.

Stock public waters.

Unlawful to take for two years after stocking.

Sec. 33. All expenses attending the actual shipment and distribution of ova or young fry which may belong to this State, shall be paid by this State; Provided, Such expense shall not exceed the sum of five hundred dollars in any one year; and the State Auditor is hereby authorized to draw his warrant on the State Treasurer for such expenses, upon vouchers approved by said Commissioner.

Expense not exceed.

Auditor draw warrant.

Sec. 34. It shall be the duty of every person or corporation constructing or maintaining, or suffering to be constructed or maintained, any dam, weir or other artificial obstruction in or upon any stream of water of this State containing food fish, to erect and maintain at such dam, weir or other artificial obstruction at such time and in such manner as may be directed by said Commissioner, or the Superintendent of Fish Hatcheries, a sufficient sluice or fish-way for the free and unobstructed passage of fish up and down such stream. Failure to comply with these requirements shall be deemed a violation of this Act, and for each and every month that such

Unlawful to obstruct passage of fish by dams or weirs.

Failure to comply.

Proviso.

Commissioner
may construct
dam or screen.

Unlawful to
take other than
with hook and
line except.

Unlawful to
empty sawdust.

Commissioner
may issue per-
mits for seining
white salmon or
suckers.

Not authorize
taking of fish
less than six
inches.

failure continues, the same shall constitute a separate and distinct offense; Provided That this section shall not apply to any stream of water containing no food fish, nor to any stream the whole volume of which is used for purposes of irrigation; and that said Commissioner may have constructed and maintained a suitable dam or screen in any of the public waters of this State in connection with any fish hatcheries belonging to this State.

Sec. 35. It shall be unlawful at any time to kill or take in any public waters of this State, any trout or other food fish by the use of any poison, or of any deleterious or stupefying drug, or by the use of any explosive substance, or of any net, seine, trap or device whatsoever, except by hook and line; Provided, That said Commissioner, or any person authorized by him in writing, may take fish at any time, and by any device for the purposes of science, propagation and dissemination.

Sec. 36. It shall be unlawful to empty or cause or suffer to be emptied or dispersed any sawdust or other destructive substance into any of the waters of this State containing food fish, or in any such place or within such distance as to cause the same to be carried into such waters by natural causes.

Sec. 37. In streams where white salmon or suckers abound, said Commissioner shall, upon application of any responsible person, issue without charge a permit to take the same by the use of nets or seines, and to dispose of the same for consumption within this State. Such permit shall designate the place where the same may be taken, and such place shall at all times be open for inspection by said Commissioner and any person authorized by him to inspect the same; but nothing herein contained shall authorize the taking of any trout of any size, or of any other fish less than six inches in length, and a violation of the permit shall operate as a revocation thereof.

Sec. 38. It shall be unlawful in the month of January, February, March, April, May, November or December in any year, to kill, destroy or take from any public waters of this State any trout or other food fish, or to have in possession or control any trout or food fish taken from such waters. It shall be unlawful in the month of June, July, August, September or October to kill, destroy or take from any public waters of this State, or to have in possession or control any trout or other food fish taken or killed in any such waters, except for consumption, and then only for immediate use, not to exceed twenty pounds of fish to any one person in any one day.

Months when
unlawful to
take.

Sec. 39. It shall be unlawful to kill, destroy, take or have in possession for any purpose or at any time, any trout or other food fish less than six inches in length, taken in any of the public waters of this State.

Size of fish un-
lawful to take.

Sec. 40. It shall be unlawful at any time to sell or expose for sale, or to cause or suffer to be sold or exposed for sale, or to catch or otherwise take with intent to sell, or to ship or to offer to any common carrier for shipment with intent to sell, any trout or other food fish, caught [caught] or taken in any public waters of this State.

Unlawful to
expose for sale.

Sec. 41. It shall be unlawful for any common carrier or other person to transport for market or sale, any trout or other food fish, taken in any of the public waters of this State.

Unlawful to
transport.

MISCELLANEOUS.

Sec. 42. It shall be unlawful for any person to kill, ensnare, catch, trap or otherwise take any of the birds or animals in this Act mentioned, upon the premises and within the enclosure of any other person, without the consent of the owner of the premises enclosed; Provided, Notices are so conspicuously posted as to indicate plainly that such premises are private property.

Not hunt in
enclosure with-
out consent of
owner.

If notices are
posted.

Shall not sell
game brought
from other
state contrary
to its laws.

Sec. 43. No person shall at any time have in possession or under control or sell or expose for sale, or cause or suffer to be exposed for sale any bird, animal or fish caught, taken or killed outside of this State, which was caught, taken or killed at a time, in a manner, or for a purpose forbidden by the laws of the State, Territory or country where the same was caught, taken or killed, or which was shipped out of said State, Territory or country in violation of the laws thereof.

Shall not adver-
tise game on
bill of fare.

Sec. 44. No keeper of any hotel, restaurant, cafe or boarding house shall at any time name or describe upon its menu or bill of fare as food for its patrons, any animal mentioned in this Act or any part of such animal, either under the name used in this Act or under any other name or guise whatever, and a violation of this section shall be prima facie evidence of the unlawful possession of such article.

Prima facie
evidence of un-
lawful posses-
sion.

Sec. 45. All provisions of this Act relating to the having in possession or under control of any bird, animal or fish, or to the sale, exposure for sale, or shipment thereof, shall be construed to include any and all parts, flesh and meat thereof.

Sec. 46. Any attempt to violate any of the provisions of this Act shall be deemed a violation of such provisions.

Possession or
control prima
facie evidence.

Sec. 47. The possession or having under control of any bird, animal or fish of any of the kinds, the taking or killing of which is at any or all times herein prohibited, shall be prima facie evidence that the same was the property of this State at the time it was caught, taken or killed, and that it was caught, taken or killed in this State; to disprove which it shall be necessary to show that at the time it was so caught, taken or killed it was not the property of this State, and that it was caught, taken or killed outside of this State.

Necessary to
show not prop-
erty of state.

Whenever it shall appear that any bird, animal or fish of any of the kinds the taking or killing of

which is at any or all times herein prohibited, was caught, taken or killed outside of this State, it shall be prima facie evidence that at the time it was caught, taken or killed it was the property of the State, Territory or country in which it was caught, taken or killed; and that such bird, animal or fish was caught, taken or killed at a time, in a manner, and for a purpose prohibited by the laws of the State, Territory or country where it was caught, taken or killed; and that it was shipped out of said State, Territory or country in violation of the law thereof; to disprove which it shall be necessary to show by direct and positive evidence that at the time it was so caught, taken or killed it was not the property of the State, Territory or country in which it was caught, taken or killed; that it was killed at a time, in a manner and for a purpose permitted by the laws of the State, Territory or country where it was killed; and that it was not shipped out of said State, Territory or country in violation of any law thereof.

If killed or shipped in violation law of other state.

Must disprove.

Sec. 48. Any person violating any of the provisions of this Act, whether as principal, agent, clerk, officer or employee, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than twenty-five dollars nor more than three hundred dollars, or imprisoned in the county jail not less than ten days, nor more than six months, or by both such fine and imprisonment; Provided, That the minimum penalty for the killing of any bison, elk or mountain sheep shall be three hundred dollars or imprisonment not to exceed six months; and for any violation of Sections 15, 16, 17, 18 and 19 of this Act, shall be ten dollars. The killing or otherwise taking of each bird, animal or fish mentioned in this Act or the possession thereof in violation of this Act shall constitute a separate and distinct offense.

Violation a misdemeanor.

Penalty.

Penalty for killing bison, elk or mountain sheep.

Separate killing, separate offense.

Justice and county courts have original jurisdiction.

Sec. 49. All Justices of the Peace and County Courts in their respective counties shall have original

Appeal as in civil cases.	jurisdiction in prosecutions for any and all violations of this Act, with the right of appeal from judgments of Justices of the Peace to County Courts in their respective counties under the same conditions as in civil cases; and in all trials before Justices of the Peace and in County Courts the defendant shall be entitled to trial by jury as in civil cases. District Courts in their respective districts shall have original jurisdiction upon information or indictment in all prosecutions for violations of this Act.
Jury trial.	
Violation by corporations.	Sec. 50. In case of a violation of this Act by a corporation, the warrant of arrest may be read to the President, Secretary or Manager in this State or any local agent thereof in the county, and upon the return of the warrant so served, the corporation shall be deemed in court and subject to the jurisdiction thereof, and any fine imposed may be collected by execution against the property of such corporation.
May levy on property.	
Fines collected paid to informer and county.	Sec. 51. All fines and penalties collected by virtue of this Act, shall be paid by the Court or Justice of the Peace collecting the same, one half to the informer, and the remainder into the county treasury of the same county; unless claimed by the informer within ten days after payment, the share of all informers shall be forfeited and paid forthwith to the State Treasurer to the credit of the Game Fund.
If not claimed by informer placed to credit state game fund.	
County commissioners, sheriffs and constables aid in enforcing	Sec. 52. It shall be the duty of all County Commissioners, Sheriffs and Constables to assist said Commissioner, Wardens and Deputies in making arrests and otherwise enforcing the provisions of this Act. In case Indians or other persons shall engage in the killing of game in violation of this Act, to an extent beyond the reasonable power of the Commissioner, Wardens, Constables or Sheriffs to control, it shall be the duty of the Sheriff of the county in which such violation exists, upon the demand of any person to call to his assistance at once a sufficient number of persons to enforce the same promptly and
Violations by Indians.	
Duty of sheriff.	

effectually. Any such officer failing, refusing or neglecting to enforce the provisions of this Act shall be guilty of a misdemeanor and on conviction shall be fined and punished as in case of any other violation of this Act. Refusal to
comply a
misdemeanor.

Sec. 53. General sections numbered 1473 to 1485, both inclusive, of the General Statutes of the State of Colorado of 1883, and the several acts amendatory thereof, and the several acts entitled as follows, viz: "An Act to Amend Chapter XL. of the General Statutes of the State of Colorado in Relation to Fish," approved April 6, 1885; "An Act Relating to Woodlands and Forestry in Colorado, to Create a Forest Commission for Said State," approved April 4, 1885; "An Act Amendatory of an Act Entitled 'An Act for the Protection of Wild Game and Insectivorous Birds,' approved March 15, 1877; the said act being chapter XLV. of the General Statutes of the State of Colorado," approved April 9, 1885; "An Act to Protect the Food Fish in the Natural Streams of the State, and to Punish Those Violating Its Provisions," approved April 4, 1887; "An Act for the Protection of Wild Ducks and Wild Geese," approved April 4, 1887; "An Act to Amend Chapter XL. of the General Statutes of the State of Colorado, Entitled 'Fish,'" approved April 6, 1891; "An Act to Amend Section 1 of Chapter XLV. of the General Statutes of Colorado, Entitled 'Game,' being General Section 1543 Thereof, as the Same was Amended April 9, 1885, and to Prescribe Regulations Concerning the Killing and Catching of Game and Fish, and the Transportation Thereof; Providing Penalties for Violation Hereof, and Making it a Misdemeanor for Common Carriers to Transport any Game or Fish for Market," Approved April 16, 1891; "An Act to Amend Section Two (2) of Chapter XL. (40), Entitled 'Fish,' of the General Statutes of Colorado, the Same Being General Section Fourteen Hundred and Seventy-four (1474) Thereof," approved April 8, 1893; "An Act to Amend an Act Entitled 'An Act to Amend Chapter Repeal.

XL. of the General Statutes of the State of Colorado, Entitled "Fish," Approved April 6, 1891," approved April 3, 1893; "An Act to Prohibit and Regulate the Killing, Trapping or Otherwise Taking, the Transportation or Sale of Certain Animals, Fish and Birds; to Provide Penalties for the Violation of this Act, and to Repeal All Acts or Parts of Acts Inconsistent Herewith," approved April 7, 1893; "An Act to Provide for the Appointment of a State Game and Fish Warden and Certain Deputies, and to Prescribe Their Powers, Duties and Compensation, and Making Appropriations Therefor; to Repeal an Act Entitled 'An Act to Provide a Game and Fish Warden, and Prescribing Additional Duties for the Office of Fish Commissioner, and Providing for the Appointment of District and Deputy Wardens; Approved April 11, 1891, and Repeal All Laws Inconsistent Herewith,'" approved April 8, 1893; and the several acts amendatory of said acts, and all acts and parts of acts inconsistent with this Act, are hereby repealed; but the repeal of said acts shall not abate any prosecutions now pending under said acts, or bar any prosecutions for violations of said acts; and all such violations may be prosecuted and punished in accordance with the acts so repealed.

Does not abate
prosecutions
now pending.

Appropriation.

Sec. 54. For the purpose of carrying out the provisions of this Act there is hereby appropriated out of any moneys in the State treasury, not otherwise appropriated the sum of ten thousand five hundred dollars (\$10,500) for the year ending November 30, 1897, and the further sum of ten thousand five hundred dollars (\$10,500) for the year ending November 30, 1898.

Emergency.

Sec. 55. In the opinion of the General Assembly an emergency exists; therefor [therefore] this Act shall take effect and be in force from and after its passage.

Approved April 16, 1897.

CHAPTER 9.

APPROPRIATION—GENERAL.

(H. B. No. 168.)

AN ACT

TO PROVIDE FOR THE PAYMENT OF A PART OF THE SALARIES OF THE OFFICERS AND EMPLOYEES OF THE EXECUTIVE, LEGISLATIVE AND JUDICIAL DEPARTMENTS AND MAINTENANCE OF CAPITOL BUILDING OF THE STATE OF COLORADO FOR THE YEAR 1897.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That the following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the State treasury belonging to the General Fund, and Capitol Building Fund not otherwise appropriated, for the purpose of paying part of the salaries and expenses of the executive, legislative and judicial departments and maintenance of Capitol building of the State for the fiscal year 1897.

Governor's salary.....	\$ 1,666.67	Salaries and
Governor's Private Secretary.....	500.00	expenses of ex-
Lieutenant-Governor's salary.....	333.34	ecutive and
Secretary of State salary.....	1,000.00	judicial depart-
Deputy Secretary of State.....	833.34	ments.
Secretary of State clerk fund.....	1,666.66	
Printing Clerk's salary.....	500.00	
Auditor's salary.....	833.33	
Deputy Auditor's salary.....	833.33	
Auditor's clerk fund.....	1,000.00	
State Treasurer's salary.....	2,000.00	
Deputy Treasurer's salary.....	833.33	
Treasurer's clerk fund.....	500.00	

Superintendent of Public Instruction, salary	1,000.00
Assistant State Librarian.....	333.33
Attorney General's salary.....	1,000.00
Justices of the Supreme Court (3).....	5,000.00
Bailiff, Supreme Court.....	400.00
Clerk of Supreme Court.....	1,166.66
Deputy Clerk, Supreme Court.....	500.00
Judges, Court of Appeals (3).....	5,000.00
Clerks, Court of Appeals (3).....	1,000.00
Bailiff, Court of Appeals.....	400.00
Stenographer, [Stenographers,] Court of Appeals (3).....	1,000.00
Stenographer, Supreme Court.....	1,000.00
Judges, District Court (19).....	25,333.34
District Attorney's [Attorneys'] salary (13).....	3,466.66
State Engineer's salary.....	1,000.00
Assistant State Engineer's salary.....	1,000.00
Inspector Coal Mines, salary.....	666.67
Inspector of Coal Mines, assistant.....	500.00
Inspector of Coal Mines, clerk.....	166.66
State Veterinary Surgeon.....	500.00
State Veterinary Sanitary Board.....	250.00
Register of State Land Board, salary.....	666.66
Deputy Register, State Land Board.....	500.00
Appraiser, State Land Board.....	500.00
Land Commissioner clerk fund.....	800.00
Deputy Commissioner of Labor.....	600.00
Deputy Commissioner of Labor, expense...	500.00
Incidental and contingent of executive and judicial departments.....	6,333.33
General contingent, executive department.....	2,000.00
Incidental printing.....	4,166.66
State Board of Charities and Corrections..	1,000.00
Expense, State Board of Land Commissioners	1,500.00
Incidental expense, Attorney General....	2,000.00
Incidental expense, Auditor of state.....	333.33
Incidental expense, Secretary of State...	2,166.66
Incidental expense, State Treasurer.....	500.00

Incidental and traveling expenses, Superintendent of Public Instruction.....	333.33	
State Board of Pardons.....	300.00	
Bureau of Mines Commissioner's salary....	833.34	
Inspectors, expense (2).....	333.34	
Inspectors, salary (2).....	1,000.00	
Commissioner's expense.....	166.66	
Commissioner's clerk fund.....	166.66	
Incidental expense for Commissioner of Mines	166.66	
State Boiler Inspector's salary.....	833.34	
Boiler Inspector, assistant.....	500.00	
Boiler Inspector's expense.....	166.66	
Dairy Commissioner, assistant and chemist	800.00	
Superintendent Public Instruction, assistant	500.00	
Reporter decisions Supreme Court.....	1,000.00	
Coal Mine Inspector's mileage.....	333.33	
Maintenance Capitol building to be paid from Capitol Building Fund.....	9,000.00	Capitol building.

For services as Assistant Sergeant-at-Arms of the Senate, James H. Clark, \$352.; and Mrs Mary Aiken, \$352; as Clerk of Lieutenant Governor, Margaret S. Doolittle \$332; as Official Press Reporter of the Senate, W. C. Slawson, \$332; as Assistant Door-Keeper of the Senate, Daniel Sullivan, \$264; as Janitor of the Senate, John Donnegan, \$246; as Janitor of the halls, C. W. Buford, \$264; as Telephone Messenger, W. H. Johns, \$264; as Docket Clerk, A. R. Bartholomew, \$88; as Clerk of the Finance Committee, J. H. Gabriel, \$85; as Page, James Duggan, \$44; as Page, J. E. Fetzner, \$44; as Page, Harry Kratzer, \$44; as Page, Paul Knowles, \$44; For services as Assistant Sergeant-at-Arms of the House, J. C. Shull, \$348.; as Sergeant-at-Arms of the House, Frank Hollywood \$352; as Matron of ladies' gallery of House, Mrs Jessie Donovan, \$352; as Assistant Door-Keeper of the House, George Ayen, \$264; as Telephone Page of the House, James Thompson, \$154; as Janitor, G. H. Ganoway, \$264; as Assistant Janitors, George Al-

Legislative
employees.

len, \$264; and H. Pachico, \$264; as Interpreter, E. Martinez, \$340; as Pages, Jed Hensley, \$44; Vernon Huntley, \$42; Washington Bigler, \$44; Roscoe Mathews, \$44; and Frank Merry, \$44; George Jay, \$44; as Clerk of the Finance Committee of the House, J. B. Knoblock, \$83; as Docket Clerk, J. D. Vaughan, \$87;

Paid only as
earned upon
presentation of
proper
certificate.

Provided, that the foregoing sums hereby appropriated for the payment of the above named employes of the Senate and House shall be paid only as earned and upon the certificate of the proper officers of each house that the services have been rendered.

Legislative
employes.

To Stanley Stokes, as Secretary of the Senate, \$18; to James Cummings, as Sergeant-at-Arms of the Senate, \$15; to Maurice Hays, as Night Watchman of the Senate, \$12; to C. E. Hagar, as Assistant Secretary of the Senate, \$10; to R. C. Bonney, as Reading Clerk of the Senate, \$10; to John E. Fetzer, as Messenger of the Senate, \$6; to William Pique, as Messenger of the Senate, \$6; to J. M. Pollard, as Door-Keeper of the Senate, \$6; to W. P. Thompson, as Door-Keeper of the Senate, \$6; to John R. Wallingford as Chief Clerk of the House, \$50; to Morton Jones, as Assistant Clerk of the House, \$16; to John Harris, as Assistant Sergeant-at-Arms \$12; to Frank P. Schaefer, as Sergeant-of-Arms [Sergeant-at-Arms] of the House, \$50; to Albert Stidds, as Page of the House \$6; to Albert Patterson, as Page of the House \$6; to W. E. Dubois, as Page of the House \$6; to Edward Krigbaum, as Page of the House \$6; to C. T. Moore, as Page of the House \$6.

First four
months fiscal
year.

Sec. 2. The above appropriations are intended to provide for the expenses of the several departments mentioned, for the first four months of the fiscal year 1897.

Warrant only
to party
indebted.

Sec. 3. All warrants issued under the provisions of this Act shall be made to the party to whom the State has become indebted, whether such party be an employee, clerk or assistant of any of the departments

of the State, or one who has furnished material and supplies, and warrants shall be issued and delivered to such persons directly.

Sec. 4. In the opinion of the General Assembly ^{Emergency.} an emergency exists; therefore this Act shall be in force from and after its passage.

Approved February 27, 1897.

CHAPTER 10.

APPROPRIATION—GRAND JUNCTION.

(H. B. No. 266.)

AN ACT

TO REFUND TO THE CITY OF GRAND JUNCTION THE SUM OF FIFTEEN HUNDRED DOLLARS, PAID BY IT TO THE TREASURER OF THE BOARD OF PENITENTIARY COMMISSIONERS.

Whereas, A bill entitled "An Act to Construct, Maintain and Operate a State Ditch in Mesa County, Colorado, and for the Use of Unemployed Convicts in Constructing the Same" was approved April 16, 1891; and

Whereas, The city of Grand Junction, did pay over to the Treasurer of the Board of Penitentiary Commissioners on the 20th day of May, 1891, the ^{\$1,500 advanced to penitentiary commissioners.} sum of fifteen hundred dollars in cash, with the understanding and agreement that said amount so advanced was to be refunded to said city in cash certificates or water rights. and

Whereas, Said ditch has never been built;

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. There is hereby appropriated out of ^{Appropriation} any moneys in the Internal Improvement Fund not to repay.

Auditor draw
warrant.

otherwise appropriated the sum of fifteen hundred dollars for the benefit of the city of Grand Junction. The Auditor of State shall draw his warrant in favor of the Treasurer of said City of Grand Junction for the said sum of fifteen hundred dollars as soon as said amount shall be available.

Approved May 4, 1897.

CHAPTER 11.

APPROPRIATION—HEALTH, STATE BOARD OF.

(H. B. No. 12.)

AN ACT

AN ACT MAKING AN APPROPRIATION FOR THE STATE BOARD OF HEALTH FOR 1897 AND 1898.

Be it Enacted by the General Assembly of the State of Colorado:

Appropriation.

Salary and
contingent
expenses.

Section 1. That there is hereby appropriated out of any funds in the treasury not otherwise appropriated, for the pay of the salary of the Secretary and the contingent expenses of the State Board of Health, for the years 1897 and 1898, the sum of two thousand five hundred dollars (\$2,500,) the same to be drawn upon vouchers certified by the President and Secretary of said Board, twelve hundred and fifty (\$1,250) dollars for 1897 and twelve hundred and fifty (\$1,250) dollars for 1898.

Emergency.

Sec. 2. In the opinion of the General Assembly an emergency exists; therefore this Act shall be in force and take effect from and after its passage.

Approved April 17, 1897.

CHAPTER 12.

APPROPRIATION—HORTICULTURE, STATE BOARD OF.

(S. B. No. 399.)

AN ACT

TO CREATE A STATE BOARD OF HORTICULTURE; DEFINE ITS DUTIES AND COMPENSATION; TO PROTECT AND PROMOTE THE HORTICULTURAL INTERESTS OF THE STATE; MAKING AN APPROPRIATION THEREFOR; AND TO REPEAL AN ACT TO ESTABLISH A BUREAU OF HORTICULTURE, APPROVED MARCH 8, 1883; ALSO, AN ACT TO CREATE STATE AND COUNTY BOARDS OF HORTICULTURE, ETC., APPROVED APRIL 5, 1893.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That a State Board of Horticulture is hereby created, which shall consist of six (6) members, to be appointed by the Governor, from the fruit ^{Appointed by}growing sections of the State. Said Board shall be ^{governor.}non-political, and all members shall be practical hor- ^{Non-political.}ticulturists. Immediately upon the taking effect of this Act the Governor shall appoint two (2) members for a term of two (2) years, two for the term of four (4) years, two for the term of six (6) years, and bi- ^{Terms of}ennially thereafter he shall in like manner appoint ^{appointment.}two (2) members for a term of six (6) years; their term of office to begin within thirty days after appointment, and vacancies shall be filled as in the case of original members.

Section 2. The State is hereby divided into six ^{District 1.}fruit districts, as follows: District Number One shall be comprised of the counties of Larimer, Weld, Morgan, Logan, Washington, Sedgwick, Phillips, Yuma, Grand, Routt.

District 2. District Number Two shall be comprised of the counties of Boulder, Jefferson, Clear Creek, Summit, Eagle, Park, Gilpin.

District 3. District Number Three shall be comprised of the counties of Arapahoe, Douglas, Elbert, Lincoln, Kit Carson, Cheyenne, Kiowa, Bent, Prowers, Baca, Las Animas, El Paso and Huerfano.

District 4. District Number Four shall be comprised of the counties of Fremont, Pueblo, Otero, Custer, Costilla, Conejos, Rio Grand, [Rio Grande] Saguache, Chaffee, Lake, Archuleta, La Plata and Montezuma.

District 5. District Number Five shall be comprised of the counties of Mesa, Garfield, Rio Blanco, Pitkin, Hinsdale, San Juan, Dolores and Mineral.

District 6. District Number Six shall be comprised of the counties of Delta, Montrose, Gunnison, San Miguel and Ouray.

Section 3. There shall be a member of the State Board of Horticulture appointed from each fruit district, and every member shall have a special supervision of the horticultural interests in his own district. He shall see that the regulations prescribed by the State Board for the prevention of the spread of contagious diseases among fruit and fruit trees, and for the prevention, treatment, cure and extirpation of fruit pests and for the disinfection of grafts, scions, orchard debris, empty fruit boxes, fruit trees, etc., are intelligently and efficiently carried out in his district.

Office at state capitol.

President and secretary.

State treasurer ex officio treasurer.

Salary and mileage of secretary.

Compensation of board.

Section 4. Said Board shall have an office at the State Capitol, to be maintained at the expense of the State, and shall meet and elect a President and Secretary from their number. The State Treasurer shall be ex officio Treasurer of the Board. The Secretary shall receive a salary of one thousand dollars (\$1,000) and mileage at the rate of five (5) cents per mile for every mile necessarily traveled in the proper discharge of official duties, and the members of the Board shall receive three (\$3) per day for each

day actually in the performance of their duties and actual traveling expenses necessarily incurred in the discharge of their official duties; Provided, That said members of the Board shall not receive pay for more than thirty (30) days in any one year. Not receive pay for more than 30 days each year.

Section 5. The Board may receive, manage, use and hold donations and bequests for promoting the object of its formation. It shall meet semi-annually, Meetings. and as much oftener and at such places as it may deem expedient, to consult and adopt such measures as may best promote the horticultural industries of the State. It may, but without expense to the State, May appoint select and appoint competent and qualified persons lecturers without pay. to lecture in each of the horticultural sections of the State, for the purpose of illustrating practical horticultural topics and imparting instruction in the methods of culture, pruning, fertilizing, and also in the best methods of eradicating disease of fruit and fruit trees, cleansing orchards and exterminating fruit pests. The office of the Board shall be kept open according to the directions of the Board, and shall be in charge of the Secretary during the absence of the Board. Secretary in charge of office.

Section 6. For the purpose of preventing the spread of contagious diseases among fruit and fruit trees, and for the prevention, treatment, cure and extirpation of fruit pests and diseases of fruit and fruit trees, and for the disinfection of grafts, scions, orchard debris, empty fruit boxes and packages, and other suspected material or transportable articles dangerous to orchards, fruit and fruit trees, said Board shall make such regulations for the inspection and disinfection thereof, which regulation shall be circulated in printed form by the Board among the fruit growers and fruit dealers of the State, and shall be published in at least three issues of a paper of general circulation in the horticultural counties of the State. Such regulations so published, shall be held to impart notice to all persons within this State, Make and publish regulations to prevent spread of disease.

and shall be binding on all persons. It shall be the duty of the County Fruit Inspectors to enforce the regulations made or prescribed by the State Board.

State
horticultural
exhibitions.

Section 7. The State Board shall have the power to authorize the holding of State Horticultural Exhibitions and shall determine the time and place for holding said exhibitions with power to arrange for premiums and awards and perform such other duties as may be necessary in conducting such exhibitions.

County inspectors—duties.

Section 8. It shall be the duty of the County Horticultural Inspector in each county, whenever he shall deem it necessary, to make an inspection of any orchard, nursery or trees, or any fruit packing house, store-room, sales-room, or other place or article within his jurisdiction, and if found infested with insects, or pests or diseases injurious to fruit, fruit trees, vines, bushes or other horticultural interests, he shall notify the owner or owners, or person or persons in charge or in possession of such trees, place or thing as aforesaid, that the same or any of them are infected with insects, or their eggs or larvae or with fruit or fruit tree diseases, and shall give a formula for the treatment thereof, and such person or persons so notified shall eradicate or destroy the said insects or pests, or their eggs or larvae, within a certain time to be specified in said notice. Said notice may be served upon the person or persons owning or having charge of such infected trees or places, or articles aforesaid by any Inspector, or by any one deputed by him, or it may be served the same as summons in a civil action. If the owner or owners, person or persons, in charge or possession of orchard, or nursery, trees or places, or articles infested with said insects, or any of them, their larvae or eggs, after having been notified as above by said Inspector to destroy the same or made application of treatment as directed, shall fail, neglect or refuse so to do, he or they shall be guilty of maintaining a public nuisance, and shall be punished by a fine in

Shall give notice of infection.

May serve summons as in civil actions.

If disregarded.

Penalty.

a sum not less than five (5) nor more than one hundred (100) dollars; and any such orchard, nurseries, trees, or places, or articles thus infested, after such conviction shall be adjudged, and the same is hereby declared a public nuisance, and may be proceeded against as such. If defendant be found guilty, the court in its judgment shall order the said Inspector to abate the same, and the expenses thus accrued shall be taxed up as costs against the defendant and adjudged a lien upon said property. The District and County Courts shall have jurisdiction in such cases.

Declare orchard
public nuisance.

Jurisdiction of
courts.

Section 9. The said Board shall make an annual report in the month of December of each year to the Governor, embracing the proceedings of the Board for the past twelve months, and statistics from District and County Horticultural Societies, and County Fruit Inspectors, showing the general condition of horticulture throughout the State; together with such essays and statements of facts and recommendations as may be deemed useful to the horticultural interests of the State.

Annual report.

Section 10. One of the semi-annual meetings provided for in Section 3 shall be held during the month of November of each year, to be known as the Annual Horticultural Convention of the State. Said convention shall not be less than three days in duration, and shall be held at the rooms of the Board of Horticulture at the State Capitol in Denver; said Board shall cause proper notices of said convention to be published and shall have charge of the same.

Annual
convention.

Section 11. The annual report of the Board of Horticulture, together with the proceedings of the Annual Horticultural Convention, shall be fully prepared by the Secretary of the Board of Horticulture, and duly filed with the Secretary of State, who shall cause the same to be published in book form, before the first of February annually, by the State.

Secretary pre-
pare annual
report.

Secretary of
state publish
before Feb. 1.

Two thousand
copies be
printed.

Secretary of
state distribute,
and to whom.

Section 12. The number of copies of said report shall be two thousand, all of which shall be bound in uniform style, annually, in one volume, and shall be distributed by the Secretary of State as follows: Ten copies each to the Governor of the State, Secretary of State, State Auditor and State Treasurer; five copies each to the Supreme Judges and Attorney General; two to each member of the Legislature; one copy to each Judge and Clerk of District and County Court; one copy to each newspaper office in the State; ten copies to the State University, School of Mines, Reform School and Warden of the State Penitentiary, two copies to each college of learning in the State; fifty copies to the State Agricultural College, and two copies to the State Historical Society, and the remainder to the State Horticultural Board, to be distributed as said Board may direct.

Appropriation.

Section 13. For the purpose of carrying out the provisions of this Act, four thousand one hundred and sixty-six dollars and sixty-five cents (\$4,166.65) are hereby appropriated out of any money in the State Treasury, not otherwise appropriated; sixteen hundred and sixty-six dollars and sixty-five cents (\$1,666.65) to be paid in that portion of the year 1897, from April 1 to November 30, inclusive, and twenty-five hundred dollars (\$2,500) in the year 1898; and the sum of twenty-five hundred dollars (\$2,500) annually thereafter.

Certify
acceptance.

Auditor issue
warrants.

Proviso.

Section 14. After the said Board of Horticulture shall be duly qualified and accept the provisions of this Act, they shall certify their acceptance of the same to the Secretary of State and State Auditor. After said acceptance, the State Auditor shall annually on the first of June, on the order of said Board, signed by the President and Secretary of said Board, draw a warrant on the State Treasurer for the aforesaid sum of twenty-five hundred dollars (\$2,500); Provided, Should the State Horticultural Board fail

to carry out the provisions of this Act during any one year, after the passage of this Act, then and in that event the aforesaid warrant shall not be drawn for that year.

Section 15. It shall be unlawful for any person or persons to spray fruit trees while in bloom, with any substance injurious to bees. Any person violating the provisions of this section shall on conviction before any Justice of the Peace be liable to a fine of not less than \$5 or more than \$50. The proceedings of the State Bee-Keepers' Annual Convention shall be filed with the Secretary of the Board of Horticulture, who shall edit it and file with the Secretary of State, who shall cause the same to be published annually with the report of the Board of Horticulture.

Unlawful to spray fruit trees in bloom with substance injurious to bees.
Penalty.
Report of bee-keepers incorporated in horticultural report.

Section 16. That an act to promote and encourage horticulture and forestry in the State of Colorado and to establish a State Bureau of Horticulture, approved March 8, 1883, is hereby repealed, also an act to create State and County Boards of Horticulture, etc., approved April 5, 1893.

Repeal.

Section 17. In the opinion of the General Assembly an emergency exists; therefore, this law shall take effect and be in force from and after its passage.

Emergency.

Approved April 15, 1897.

CHAPTER 13.

APPROPRIATION—HORTICULTURE, STATE BOARD OF.

(S. B. No. 298.)

AN ACT

FOR THE RELIEF OF W. S. COBURN, DAVID BROTHERS, MARTHA A. SHUTE, C. W. STEELE, W. B. OSBURN AND J. C. KAIN, MEMBERS OF THE STATE BOARD OF HORTICULTURE, AND OTHER PERSONS TO WHOM MONEY IS DUE FROM SAID BOARD OF HORTICULTURE, AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the General Assembly of the State of Colorado:

Appropriation
for relief.

Section 1. There is hereby appropriated out of the general revenues of the State of Colorado, for the years 1895 and 1896, if there be sufficient, and if not, then out of the general revenues for the years 1897 and 1898, the sum of three thousand nine hundred and sixty-five dollars and ten cents (\$3,965.10) for the purpose of paying the following specified sums of money to certain persons composing the State Board of Horticulture, and other persons to whom money is due from the said Board of Horticulture, as follows: W. S. Coburn, three hundred dollars (\$300.); C. W. Steele, two hundred and fifty-five dollars (\$255); W. B. Osburn, one hundred and forty dollars (\$140); J. C. Kain, ninety-five dollars (\$95); David Brothers, three hundred and thirty-nine dollars (\$339); Martha A. Shute, Secretary, twenty-two hundred and seventy-nine dollars and ten cents (\$2,279.10); Ben Reed, twenty-five dollars (\$25); John Tobias, Secretary, three hundred and seven dollars and fifty cents (\$307.50); W. D. Miller, eighty-one dollars (\$81); J. S. Stahl & Co., one hun-

W. S. Coburn.
C. W. Steele.
W. B. Osburn.
J. C. Kain.
David Brothers.
Martha A.
Shute.

Ben Reed.
John Tobias.
W. D. Miller.
J. S. Stahl & Co.

dred and twenty-five dollars (\$125.); H. D. Mann & Co., ten dollars and fifty cents (\$10.50); the "Loveland Register", eight dollars (\$8.). The foregoing shall be accepted and receipted as full payment of the several specified claims. The State Auditor is hereby directed to draw his warrant in favor of each of said persons for the amount due each person as above specified.

H. D. Mann & Co.
Loveland Register.
Auditor draw warrant.

Section 2. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved April 29, 1897.

CHAPTER 14.

APPROPRIATION—INDUSTRIAL SCHOOL FOR BOYS.

(S. B. No. 26.)

AN ACT

MAKING APPROPRIATIONS FOR THE SUPPORT, MAINTENANCE AND IMPROVEMENT OF THE STATE INDUSTRIAL SCHOOL AT GOLDEN FOR THE TWO YEARS ENDING NOVEMBER 30, 1898.

Be it Enacted by the General Assembly of the State of Colorado:

First—That for the general support and maintenance of the State Industrial School for Boys, at Golden, Colorado, for the period commencing December 1, 1896 and ending November 30, 1898, including salaries of officers and employes, repairs of machinery, buying stock for farm and school uses, building new fences and repairing fences, repairs on buildings and miscellaneous expenses, there is appropriated out of any money in the State treasury, not otherwise ap-

Appropriation for maintenance and support.

propriated, the sum of fifty thousand dollars (\$50,000.), together with the cash receipts of the institution for the two years aforesaid.

Veto. Second—[Vetoed by the Governor. See footnote.]

Auditor draw warrants. Third—That each of the several sums specified shall be used exclusively for the purpose for which it is appropriated. The State Auditor, upon certified vouchers of the Board of Control and Superintendent of the State Industrial School, shall draw his warrants upon the State Treasurer in payment of the moneys hereby appropriated.

Emergency. Fourth—In the opinion of the General Assembly an emergency exists; therefore, this Act shall have full force and effect from and after its passage.

Approved April 28, 1897.

(This section provided for the purchase of material and to increase the water supply of the institution—\$3,000, or so much as necessary, being set aside for that purpose. Executive approval of this section was withheld because the contemplated appropriation was drawn upon the Internal Improvement Fund.)

CHAPTER 15.

APPROPRIATION—INDUSTRIAL SCHOOL FOR GIRLS.

(S. B. No. 36.)

AN ACT

ESTABLISHING THE STATE INDUSTRIAL SCHOOL FOR GIRLS, AND TO REPEAL AN ACT ENTITLED "AN ACT ESTABLISHING A STATE HOME AND INDUSTRIAL SCHOOL FOR GIRLS."

Be it Enacted by the General Assembly of the State of Colorado:

Location. Section 1. That there is hereby established at or near Denver, Colorado, "The State Industrial School for Girls."

Section 2. The general supervision and control of said institution shall be vested, as at present, in a Board of Control, consisting of five members, three of whom shall be women. The Board, excepting as hereinafter provided, shall be appointed by the Governor, by and with the advice and consent of the Senate, during the session of the General Assembly, and the term of office of each member thereof shall be five years, or until their successors shall be appointed and qualified, their respective terms of office to be designated in their several appointments; and whenever any vacancy shall occur in said Board, by death, resignation, or otherwise, the Governor shall fill the same by appointment, and the appointee shall hold only during the unexpired term of the person whose place he or she is appointed to fill. One member of said Board shall be appointed by the Governor as aforesaid during the session of the present General Assembly, and every year thereafter there shall be one member appointed to take the place of the outgoing member. The Board shall choose some suitable woman to act as General Superintendent, who shall hold her office during the pleasure of the Board.

Board of control.

Three shall be women.

Governor appoint.

Term of office.

Governor fill vacancy.

General superintendent shall be woman.

Section 3. The Board of Control, as now constituted, together with the Chairman of the Board of County Commissioners of Arapahoe county, and the Superintendent of Public Instruction of the State of Colorado, shall constitute a Board for the purpose of selecting and securing to the State a suitable site in the county of Arapahoe for the State Industrial School for Girls, and to provide plans and specifications and estimates for the necessary buildings to be erected thereon; said Board so constituted shall have power to receive proposals for the donation of land to the State, the deeds of which shall be duly executed to the people of this State and delivered to the Secretary of State; and, in the event that no suitable site for such school is donated to the State on or before the first day of May, A. D. 1897, then such Board, when an appropriation of money has been

Board constituted for selection of site.

Powers and duties.

heretofore made by the General Assembly for that purpose, shall have the power to make a contract or contracts for a suitable site, conditioned that the Governor shall approve such selection and contract. Such Board, on or before the first day of June, A. D. 1897, shall report a full statement of their doings as such Board, including the plans, specifications and estimates for the buildings and improvements required for the accommodation and security of the girls to be confined in said State Industrial School, to the Governor.

May make contract for site.

Statement to governor.

Contract for buildings and improvements.

Not exceed appropriation.

Section 4. Upon approval by the Governor of said report of the Board hereinbefore created, the Board of Control of said school shall proceed to contract for the erection of said buildings and improvements; Provided, That no contract made by it shall exceed the appropriation therefor, as specified in this Act.

Appropriation.

Section 5. For the purpose of providing suitable accommodations for the girls now in the care of "The State Home and Industrial School for Girls," established by an act approved April 4, 1887, and for the purpose of providing accommodations for additional numbers under the provisions of this Act, there is hereby appropriated out of the General Fund the sum of five thousand dollars (\$5,000), to be used in the payment of rentals upon such suitable buildings and grounds as the Board shall be able to obtain, in their discretion, and for making necessary fixtures and repairs thereto and thereon, and no part of said appropriation shall be used for the clothing, education, or sustenance of girls in the said school.

Legal succession.

Section 6. That the Board of Control herein provided for, shall be the legal successor of the Board of Control heretofore appointed and acting under the provisions of an act entitled "An Act for Establishing the State Home and Industrial School for Girls," approved April 4, 1887, and shall have and exercise all

the powers conferred by said act upon said Board of Control, save as herein by this Act restricted or modified.

That during the years 1897 and 1898 and until sufficient money has been hereafter appropriated by the General Assembly for the safe keeping, care, maintenance and instruction of girls committed under the provisions of this Act, and the girls now in the said school, the counties from which said girls have been severally sent and committed, shall be liable for the expenses of the safe keeping, care, maintenance and instruction of such girl or girls so committed by such counties, respectively, in all respects and in like manner as heretofore provided in Section 14 of said "Act Establishing the State Home and Industrial School for Girls," approved April 4, 1887.

Counties liable
for maintenance.

Section 7. The State Treasurer shall be ex-officio Treasurer of the institution, and shall perform such duties as he is required to perform as Treasurer of other State institutions in this State.

State treasurer
ex-officio
treasurer.

Section 8. The members of said Board of Control shall constitute a body corporate under the name and style of "The Board of Control of The State Industrial School for Girls," with the right to own and hold property, real, personal and mixed; to sue and be sued; and of making and using a common seal and of altering the same at pleasure.

Body corporate.
Name.

Section 9. The Board of Control shall meet regularly at the Industrial School for Girls on the first Tuesday of each month, and they may meet at such other times and at such places as they shall deem proper. A majority of the Board shall constitute a quorum for the transaction of any business lawfully to be done by said Board. At their regular meeting in May in each year said Board shall elect, from its own body, a President and Secretary, who shall hold their offices for one year, or until their successors shall be elected and qualified.

Meetings.

Quorum.

President and
secretary.

Section 10. It shall be the duty of the Board of Control to receive, to the extent of the means placed at its disposal, and of the accommodations afforded by the buildings and grounds belonging to said school, all persons committed to its care and guardianship, under the provisions of this Act; and to keep such persons during their minority, or until discharged by law, or under the rules of said Board of Control.

Exercise guardianship during minority.

Section 11. Each and every girl who shall be legally committed to said school, as provided in this Act, shall be clothed, fed, disciplined, instructed, employed and governed under the direction of the Board of Control of said school, until she either be reformed and discharged according to the rules to be adopted by said Board of Control, or until she shall have arrived at the age of twenty-one years.

Inmates under direction board of control.

Section 12. The Board of Control shall make such regulations in regard to the food, clothing and bedding of the inmates as the health and circumstances of each may require; but all rations, clothing and bedding shall be plain and of good quality, and in sufficient quantity for the sustenance of the health and well-being of the inmates.

Regulations.

Section 13. It shall be the duty of said Board of Control, to prepare and adopt from time to time rules and regulations for said institution, for the government of the inmates of the same, looking to their moral, physical, intellectual, social and industrial training. Domestic [domestic] industries shall take precedence of trades, and there shall be a thorough education in every branch of household work.

Rules for government.

Domestic industries given preference.

Section 14. Said Board shall, at its regular meetings, examine all the different departments of the institution and inquire into all matters concerning them, the government, discipline, punishments, and employments of the inmates, the doings and accounts of the Superintendent, the money concerns, the purchases and sales, and whether the inmates are well

Investigations.

clothed and fed, and have such educational advantages as shall have been provided for; they shall also inquire into any allegation against the Superintendent or other officers, and for that purpose may issue subpoenas to compel the attendance of witnesses and the production of papers and writings before them subject to the same penalties for disobedience as in cases of trials before courts or [of] record, and may examine any witness under oath brought before them, the oath to be administered by the President of the Board, or by any other member in his or her absence.

May issue subpoenas and conduct trials.

Section 15. The Board of Control shall, under a system of marks, or otherwise, fix upon a uniform plan under which it shall determine what number of marks or credits shall be earned by each girl, sentenced under the provisions of this Act, as the condition of increased privileges, or of release from its control, which system shall be subject to revision from time to time. Each girl sentenced to said school shall be credited for good personal demeanor, diligence in labor and study, and for results accomplished, and be charged for dereliction, negligence and offenses.

Credit for good behavior.

Section 16. The Board of Control shall establish rules and regulations by which the standing of each girl's gain of marks or credits shall be made known to her as often as once a month, and oftener if she shall at any time request it, and may make provisions by which any girl may see and converse with the said Board during every meeting thereof.

Standing of inmates.

Section 17. When it appears to the said Board that there is a strong or reasonable probability that any girl will live and remain at liberty without violating the law, and that her release is not incompatible with the welfare of society or detrimental to her own good, then it shall issue to said girl an absolute release from confinement; but no other petition or other form of application for the release of any girl shall be entertained by the Board of Control;

Board may release from confinement.

Proviso.

Provided, Nothing herein contained shall be construed to impair the power of the Governor to grant a pardon in any case.

Secure homes.

Section 18. It shall be lawful for said Board of Control to place in the care of any resident of this State, who is the head of a family and of good moral character, any of the said girls in said school, on such conditions and with such stipulations as the Board may establish.

Annual report.

Section 19. The Board of Control shall on or before the 15th day of December in each year transmit to the Governor a report made up to the close of the month of November then next preceding, showing the condition of the institution, with a detailed statement of its receipts and expenditures, estimates of expenses for buildings, repairs, machinery, and all other provisions for the next succeeding year; the number of officers and employees, with their several salaries; the whole number of inmates in the institution and the whole number received during the year, with the names of the counties whence they came, and the causes of their commitment, the number discharged, died, escaped, paroled, or pardoned; and such other facts as may fully exhibit the entire workings of the institution during the year.

Financial agent.

Section 20. The Board of Control may appoint from among its members a Financial Agent, who, together with the Superintendent of said institution, shall have such general supervision and control as the Board shall prescribe, of all purchases of supplies for manufacturing purposes at said school, and for the sale of all goods manufactured thereat, and shall perform such other duties as the Board may prescribe.

Shall purchase supplies, etc.

Shall not exceed appropriation.

Section 21. The Board of Control is hereby prohibited from creating any debt against the State Industrial School for Girls, or in any manner incurring the same, or from incurring any expense beyond its ability to pay from the appropriations made therefor.

Section 22. The Superintendent, under the direction and management of the Board, shall have general supervision of said institution. Superintendent.

Section 23. The Superintendent, before entering upon her duties as provided in this Act, shall give a bond running to the people of the State of Colorado, in the penal sum of five thousand dollars, with good and sufficient sureties to be approved by the Board of Control, and Auditor of State, conditioned that she will faithfully discharge and perform her duties as such Superintendent; that she will pay over to the State Treasurer all moneys which may come into her hands belonging to said institution, as provided by law, which said bond, when approved, shall be filed in the office of the Secretary of State. Shall give bond.

File with secretary of state.

Section 24. The Superintendent shall keep a daily journal of the proceedings of the institution, in which she shall note every infraction of the rules by any officer, teacher, or employee thereof, which shall come to her knowledge, and make memorandum of every complaint made by any girl of cruel or unjust treatment from her overseer, or other officer of the institution, or the want of good and sufficient food or clothing, and also any infraction of the rules by any inmate, naming her, and specifying the offense, and also what punishment, and the extent thereof, was awarded; which journal shall be laid before the Board of Control at every stated meeting and at every special meeting when demanded. Keep daily journal.

Report to board of control.

Section 25. The Superintendent of the Industrial School for Girls shall keep or cause to be kept an accurate account of all moneys received from the sale of articles manufactured at said institution, and of the moneys expended for machinery and material, care and support of said institution, and other things connected with any other business or trade that may be deemed advisable by the Board of Control to be carried on at said school. She shall have charge of said business and temporary custody of the moneys so Account for moneys received and expended.

Pay to state
treasurer.

File receipts
with secretary
and state audi-
tor.

For benefit of
school.

received, and at the end of every month she shall render to the State Treasurer an itemized account of the moneys so received and shall pay the same over to the State Treasurer to be placed to the credit of the State Home and Industrial School for Girls' Fund, taking a duplicate receipt for the same, one copy of which she shall give to the Secretary of the Board of Control, the other to be transmitted to the Auditor of State. The money so paid to the State Treasurer shall be used for the necessary expenses of said school in the same manner as a regular appropriation.

Board may
inspect.

Section 26. It shall be the duty of the Superintendent and other officers, when requested, to admit the Board of Control, or either of them, into every part of said institution; to exhibit to them, or either of them, on demand, all the books, papers, accounts and writings pertaining to the institution, or to the business, government and discipline thereof, and to render them every facility to discharge their duties under this Act.

Keep record of
inmates.

Section 27. When any girl shall be received in said school, the Superintendent shall cause to be entered in a register the date of such commitment, the name, age, nativity, nationality, and such other facts as may be ascertained of parentage, early associations, influences, etc., as may seem to indicate the constitutional and acquired defects and tendencies of such girl, and base upon these an estimate of the then present condition of such girl, and the best probable plan of treatment and classification of said girl; and she shall also enter upon such register, quarterly, or oftener, minutes of the observed improvement or deterioration of character, and notations as to the methods and treatment employed; also all orders or alterations affecting the standing or situation of such girl; the circumstances, if finally released, and any subsequent facts of the personal history which may be brought to the knowledge of the Superintendent.

Plan of treat-
ment and
classification.

Section 28. An abstract of the record in the case of each girl remaining under the control of the said Board of Control shall be made semi-annually, considered by the said Board of Control at a regular meeting, and be filed with the Governor; each abstract shall show the date of commitment, age, the present situation, whether in school or elsewhere; whether any and how much progress has been made, and the reasons for release or continued custody, as the case may be.

Abstract of record made semi-annually to board of control.
Filed with governor.
Form of abstract.

Section 29. It shall be lawful for the Board of Control, whenever in its discretion it may deem any one of the girls detained in said institution to have become so far reformed as to justify her discharge, to liberate such girl, or to bind her by articles of indenture for that purpose to be entered into, to any suitable person who will engage to instruct and educate such girl in a proper manner according to the terms of said indenture; Provided, Said girl shall be placed at school at least three months in each year; any girl who is placed in the care of any person, as above provided, having remained with said person and faithfully performed the duties required of her, by said Board, for said two years, or until she shall have arrived at the age of twenty-one years, shall be entitled to receive from the funds of said institution one hundred dollars; and all girls upon receiving their final discharge from said school shall receive the sum of fifty dollars.

Board may liberate, or indenture girls to suitable persons.

Proviso.

Three months annual schooling.

Good behavior.

Shall receive at 21.

Shall receive upon final discharge.

Section 30. If any girl shall absent herself, without leave, from the person to whose care and service she has been properly committed, such girl may be forthwith returned to the said Industrial School for Girls without further process, and shall forfeit all credits gained by her on account of previous good conduct.

If incorrigible may be returned to home.

Forfeit all credits.

Section 31. When any girl under the age of eighteen years and over the age of six years shall be convicted of any offense known to the laws of this

Girls under 18 and over 6 may be sentenced to home.

Except for capital crimes. State and punishable by fine or imprisonment, or both, except such as may be punishable by death or imprisonment for life, the Court before whom such conviction shall be had, may, at its discretion, sentence such girl to the State Industrial School for Girls, or to such punishment as is now, or may hereafter be, prescribed by law for the same offense. All commitments to the State Home and Industrial School for Girls shall be for the term of the girl's minority, unless she shall be sooner discharged by law or the Board of Control, as hereinafter provided, and whenever any girl shall be discharged therefrom as reformed, or as having arrived at the age of twenty-one years, such discharge shall be a full and complete release from all penalties and disabilities which may have been created by such sentence.

All commitments for minority.

Discharged as reformed.

Complete release.

District and county courts have exclusive original jurisdiction. Section 32. The District and County Courts, and the Judges thereof, in their respective counties, shall have exclusive original jurisdiction to try all cases arising under the provisions of this Act. All such cases shall be summarily tried before the Court, or the Judge thereof, and without the intervention of a jury, unless a jury shall be demanded; except in cases of high misdemeanors or felonies, the cause shall be tried by a jury, as provided in the Code of Criminal Procedure.

Without intervention of jury except.

Peace officers empowered to arrest girls frequenting public places. Section 33. All peace officers in any city, town or county in this State are empowered to arrest all girls habitually wandering around the streets or public places, or anywhere beyond the proper control of their parents or guardian, at unseemly or improper hours. The girl so arrested shall be taken before the Court or Judge having jurisdiction of the person, as provided in Section 32 of this Act, and if it shall appear to said Court or Judge that the said girl is incorrigible, or is growing up in habits of vice and immorality, such girl may be committed to "The State Industrial School for Girls."

If incorrigible, may be committed.

Section 34. The Court or Judge by whom any person is committed to the State Industrial School for Girls, under the provisions of this Act, shall certify to the Superintendent of said school the cause of such commitment, embracing all important facts connected therewith, and the age of all persons so committed, as near as can be ascertained; the age so certified shall be held to be the correct age of such person for the purposes of this Act.

Court shall certify to superintendent cause for commitment.

Section 35. Any girl who shall be convicted of an offense punishable by imprisonment in the State Industrial School for Girls, and, who, upon such conviction, shall be sentenced to imprisonment therein, shall be imprisoned according to this Act, and not otherwise; and the courts of this State imposing such sentence shall not fix or limit the duration thereof; the term of such imprisonment of any girl so convicted and sentenced shall be terminated by the Board of Control, as provided in this Act, or upon the girl having attained the age of twenty-one years.

Imprisoned only under provisions of this act. Limit or duration of sentence not fixed by court.

Board of control may terminate sentence.

Section 36. Cases arising under this Act may be instituted upon the sworn complaint of the District Attorney, or his deputy, or of any credible person, or upon indictment by Grand Jury, or upon information by the District Attorney, as is now provided by law.

Cases—how instituted.

Section 37. It shall be the duty of the Sheriff of his respective county to convey any girl committed under the provisions of this Act to the school aforesaid, and he shall receive for performing such service the same fees as are allowed for similar services in criminal cases, such fees to be paid by the county from which such girl was committed.

Duty of sheriff.

Fees for conveying paid by county.

Section 38. No girl, after sentence, shall be confined in any county or city jail, but the officer to whom the writ of commitment shall be delivered shall forthwith convey such girl to the State Industrial School for Girls; Provided, Nothing in this Act shall be construed to prevent any accused person from taking an

After sentence.

Conveyed forthwith to home.

Right of appeal. appeal from the decision of any Court or Judge, under such forms as are now or may hereafter be prescribed by law.

If committed for a definite period sentence not void.

Section 39. If through oversight or otherwise any person be sentenced to imprisonment in the State Industrial School for Girls for a definite period of time, said sentence shall not, for that reason, be void, but the girl so sentenced shall be entitled to the benefits and subject to the liabilities of this Act, in the same manner, and to the same extent, as if the sentence had been in the terms required by Section 31 of this Act.

Shall be non-sectarian.

Section 40. Equal privileges shall be granted to the clergymen of all religious denominations to impart religious instruction to the inmates of said Industrial School for Girls and every opportunity shall be allowed such clergymen to give to the inmates belonging to their respective denominations such religious and moral instruction as said clergymen may desire, and the Board of Control shall prescribe reasonable times and places, not inconsistent with the proper management of said school, where and when such instruction may be given, and all such instruction shall be open to all who may choose to attend.

Officers and employes. Salaries.

Section 41. The officers and employes of the Industrial School for Girls shall be paid such salaries monthly as shall be agreed upon between them and the Board of Control; said salaries to be paid upon the certificate of the Board of Control and the warrant of the State Auditor, as provided in other cases.

Auditor issue warrants.

Vouchers—how issued.

Section 42. All vouchers for the purchase of supplies or other indebtedness of the Industrial School for Girls, shall be signed by the President and Secretary of the Board of Control, and certified by the Superintendent, and upon presentation of the same to the Auditor of State, he shall draw his warrant upon the State Treasurer in favor of the claimant, out of any moneys appropriated for the care and support of the State Industrial School for Girls.

Auditor issue warrants.

Section 43. Every person who shall aid or abet any girl in escaping from the State Industrial School for Girls, or who shall knowingly harbor such girl, or aid in abducting her from the person to whose care and service she has been properly committed, shall be deemed guilty of a felony, and, upon conviction, shall be punished by imprisonment in the Penitentiary for not less than one year nor more than three years.

Aiding inmates
to escape.

Felony.
Punishment.

Section 44. All acts and parts of acts inconsistent with this Act are hereby repealed.

Repeal.

Section 45. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Emergency.

Approved April 28, 1897.

CHAPTER 16..

APPROPRIATION—INSANE ASYLUM.

(S. B. No. 30.)

AN ACT

MAKING APPROPRIATIONS FOR THE SUPPORT AND MAINTENANCE OF THE STATE INSANE ASYLUM INCLUDING THE PAYMENT OF SALARIES TO THE OFFICERS AND EMPLOYEES THEREOF, AND FOR THE PAYMENT OF A DEFICIT NOW EXISTING AGAINST SAID INSTITUTION, AND FOR THE CONSTRUCTION AND FURNISHING OF A COTTAGE FOR THE FEMALE PATIENTS OF SAID ASYLUM, AND FOR THE INSURANCE OF THE BUILDINGS OF SAID INSTITUTION.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That for the general support and maintenance of the State Insane Asylum, including the salaries of officers and employes of the institution there is hereby appropriated out of any moneys

Appropriation
for maintenance
and support.

in the treasury not otherwise appropriated, the sum of fifteen thousand dollars (\$15,000.) for the year 1897 and fifteen thousand dollars (\$15,000.) for the year 1898.

Deficiency.

Appropriation
to provide for.

Section 2. That for the purpose of paying a deficit now existing against said Asylum, there is hereby appropriated out of any moneys in the State Treasury belonging to the revenues of 1895 and 1896 not otherwise appropriated, the sum of thirty two thousand, eight hundred and eighteen and fifty-two one-hundredths dollars (\$32,818.52), but if there is not sufficient moneys in the said Revenue Fund of 1895 and 1896, then the balance of this amount shall be paid from any other fund in the treasury not otherwise appropriated.

Veto.

Section 3. [Vetoed by the Governor. See footnote.]

Female
patients.

Counties pay
for maintenance.

Board send
bills to county
commissioners.

Commissioners
draw warrants
therefor.

Section 4. That all such female patients committed according to law, shall be received at the said Asylum and building, when the same has been completed and up to the capacity of said building to provide accommodations for such patients, provided, that for and during the years 1897 and 1898 and until an appropriation has been made for their support by the State, the counties sending such people and patients, shall pay to the Board of Insane Asylum Commissioners the actual cost of maintaining such patients respectively, and that the said Board shall make and cause bills and vouchers for the actual cost of the maintenance and detention of such female patients, to be sent to the Board of County Commissioners of the county from which any such patient has been sent, and said Board of Commissioners shall, at their first meeting thereafter, allow the said bills and draw the warrants of the county therefor, payable to the Board of Insane Asylum Commissioners.

Section 5. That for the purpose of insuring the buildings of said institution, there is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of two thousand, five hundred dollars (\$2,500.).

Appropriation
for insurance.

Section 6. That all moneys appropriated by this Act, shall be expended under the direction and control of the Superintendent and Commissioners of said Asylum.

Moneys
expended by.

Section 7. That each of the sums above specified shall be used exclusively for the respective purposes for which they are hereby appropriated, and the State Auditor is hereby authorized and directed to draw his warrants for the payment of the same upon vouchers certified by the President of the Board of Commissioners, and attested by the Secretary thereof.

Auditor draw
warrants.

Section 8. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Emergency.

Approved April 28, 1897.

(Section 3 provided for an appropriation of \$25,000, to be used in the construction of a cottage for the female patients of the Asylum. Being drawn upon the Internal Improvement Fund, executive approval was withheld.)

CHAPTER 17.

APPROPRIATION—PENITENTIARY.

(S. B. No. 303.)

AN ACT

MAKING APPROPRIATIONS FOR THE MAINTENANCE AND SUPPORT OF THE PENITENTIARY FOR THE YEARS 1897 AND 1898.

Be it Enacted by the General Assembly of the State of Colorado:

Appropriation
for maintenance
and support.

Section 1. That there be and hereby is appropriated out of any moneys in the State treasury, not otherwise appropriated, for the years 1897 and 1898, commencing December 1, 1896, and ending November 30, 1898 the sum of one hundred and fifty thousand (\$150.000) dollars or so much thereof as shall be necessary, to be expended as follows: For the maintenance, support and incidental expenses of the Penitentiary, including the salaries of the officers and employes, and the expenses of the lime kilns, quarries, brickyards and garden work.

Used exclusively
for purposes
stated.

Section 2. The said appropriation shall be used exclusively for the purposes aforesaid, and the Warden of the Penitentiary is hereby required to open and keep an account with each item of the appropriations, and the Auditor is hereby authorized to draw warrants for the payment of the same, upon vouchers certified by the President of the Board of Commissioners, and attested by the Secretary thereof.

Auditor draw
warrants.

Emergency.

Section 3. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved April 16, 1897.

CHAPTER 18.

APPROPRIATION—PRINTING.

(S. B. No. 180.)

AN ACT

TO PROVIDE FOR THE PAYMENT OF THE DEFICIENCIES OF 1895 AND 1896 IN THE PRINTING FUND OF THE TENTH GENERAL ASSEMBLY AND PRINTING FOR THE EXECUTIVE AND JUDICIAL DEPARTMENTS.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. There is hereby appropriated out of any money in the State Treasury belonging to the surplus revenue of 1895 and 1896 the sum of seventeen- hundred and fifty six dollars and seventy seven cents (\$1756.77) or so much thereof as may be necessary, for the payment of the deficiencies for 1895 and 1896 in the Printing Fund of the Tenth General Assembly and printing for the executive and judicial departments.

Appropriation.

Deficiency.

Section 2. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Emergency.

Approved April 28, 1897.

CHAPTER 19.

APPROPRIATION—REFORMATORY.

(S. B. No. 15.)

AN ACT

FOR THE RELIEF OF THE STATE REFORMATORY AT BUENA VISTA, COLORADO.

Be it Enacted by the General Assembly of the State of Colorado:

Appropriation.

Section 1. There is hereby appropriated out of the surplus revenues in the General Fund of the State, for the fiscal years 1895 and 1896, the sum of eight thousand six hundred and five dollars and ten cents (\$8,605.10) for the payment of vouchers in the office of the Auditor of State for unpaid salaries of officers and employes, and for supplies furnished the State Reformatory at Buena Vista during the year 1896.

Unpaid salaries
and supplies.Auditor draw
warrant.

Section 2. The State Auditor is hereby directed to draw his warrant on the State Treasurer in payment of said claims as same are presented to him for that purpose.

Emergency.

Section 3. In the opinion of the General Assembly an emergency exists; therefore, this Act shall be in force and take effect from and after its passage.

Approved March 5, 1897.

CHAPTER 20.

APPROPRIATION—REFORMATORY.

(H. B. No. 179.)

AN ACT

CONCERNING THE STATE REFORMATORY; AND MAKING APPROPRIATIONS THEREFOR.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That for the general support and maintenance of the State Reformatory, including the salaries of officers and employees of the State institution, there is hereby appropriated out of any money in the State treasury not otherwise appropriated, the sum of fifty thousand (\$50,000) dollars for the two years commencing December, 1896, and ending November 30, 1898. Appropriation for maintenance and support.

Section. 2. Said appropriation shall be used exclusively for the purpose aforesaid, and the Auditor is hereby authorized to draw warrants for the payment of the same upon vouchers certified by the President of the Board of Penitentiary Commissioners and attested by the Secretary thereof. Auditor draw warrants.

Section. 3. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage. Emergency.

Approved April 17, 1897.

CHAPTER 19.

APPROPRIATION—REFORMATORY.

(S. B. No. 15.)

AN ACT

FOR THE RELIEF OF THE STATE REFORMATORY AT BUENA VISTA, COLORADO.

Be it Enacted by the General Assembly of the State of Colorado:

Appropriation.

Section 1. There is hereby appropriated out of the surplus revenues in the General Fund of the State, for the fiscal years 1895 and 1896, the sum of eight thousand six hundred and five dollars and ten cents (\$8,605.10) for the payment of vouchers in the office of the Auditor of State for unpaid salaries of officers and employes, and for supplies furnished the State Reformatory at Buena Vista during the year 1896.

Unpaid salaries
and supplies.Auditor draw
warrant.

Section 2. The State Auditor is hereby directed to draw his warrant on the State Treasurer in payment of said claims as same are presented to him for that purpose.

Emergency.

Section 3. In the opinion of the General Assembly an emergency exists; therefore, this Act shall be in force and take effect from and after its passage.

Approved March 5, 1897.

CHAPTER 20.

APPROPRIATION—REFORMATORY.

(H. B. No. 179.)

AN ACT

CONCERNING THE STATE REFORMATORY; AND MAKING APPROPRIATIONS THEREFOR.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That for the general support and maintenance of the State Reformatory, including the salaries of officers and employees of the State institution, there is hereby appropriated out of any money in the State treasury not otherwise appropriated, the sum of fifty thousand (\$50,000) dollars for the two years commencing December, 1896, and ending November 30, 1898.

Appropriation
for maintenance
and support.

Section 2. Said appropriation shall be used exclusively for the purpose aforesaid, and the Auditor is hereby authorized to draw warrants for the payment of the same upon vouchers certified by the President of the Board of Penitentiary Commissioners and attested by the Secretary thereof.

Auditor draw
warrants.

Section 3. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Emergency.

Approved April 17, 1897.

CHAPTER 21.

APPROPRIATION—SCHOOL FOR THE DEAF AND BLIND.

(S. B. No. 95.)

AN ACT

MAKING AN APPROPRIATION FOR THE FOLLOWING ADDITIONS, IMPROVEMENTS AND SCHOOL APPARATUS IN THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND.

Be it Enacted by the General Assembly of the State of Colorado:

Appropriation.

Section 1. That there be and hereby is appropriated to the Colorado School for the Deaf and the Blind, out of any moneys in the State treasury not otherwise appropriated the sum of five thousand dollars (\$5,000) for insurance, school apparatus, equipping a gymnasium, the purchase of pipe organ and pianos

Veto.

Section 2. [Vetoed by the Governor. See footnote.]

Auditor draw warrants.

Section 3. That all moneys appropriated by this Act shall be expended under the direction and control of the Board of Trustees of the Colorado School for the Deaf and the Blind, and the Auditor is hereby instructed, upon the presentation of the order of said Board of Trustees, signed by the President thereof and countersigned by the Secretary to draw his warrant in favor of said school for the amounts provided for in Sections 1 and 2 of this Act:

Emergency.

Section 4. In the opinion of the General Assembly an emergency exists; therefore this Act shall take effect and be in force from and after its passage.

Approved April 28, 1897.

(This section provided for an appropriation of \$3,000, for improvements upon buildings and grounds. Being drawn upon the Internal Improvement Fund, executive approval was withheld.)

CHAPTER 22.

APPROPRIATION—SOLDIERS' AND SAILORS' HOME.

(H. B. No. 285.)

AN ACT

TO MAKE AN APPROPRIATION FOR THE SUPPORT AND MAINTENANCE OF THE SOLDIERS AND SAILORS HOME; TO PAY THE SALARIES OF THE OFFICERS AND EMPLOYEES THEREOF.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. There is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, of the years 1897 and 1898, for the support and maintenance of the Soldiers and Sailors' Home, and for the payment of the salaries of the officers and employees thereof for the year 1897 twenty thousand dollars (\$20,000), and for the year 1898 twenty thousand dollars (\$20,000). Appropriation
for maintenance
and support.

Sec. 2. In the opinion of the General Assembly an emergency exists; therefore this Act shall take effect and be in force from and after its passage. Emergency.

Approved April 17, 1897.

CHAPTER. 23.

APPROPRIATION—STATE HOME FOR DEPENDENT CHILDREN.

(S. B. No. 522.)

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT IN RELATION TO THE ESTABLISHMENT OF A STATE HOME FOR DEPENDENT AND NEGLECTED CHILDREN, AND MAKING AN APPROPRIATION THEREFOR," APPROVED APRIL 10, 1895, AND TO MAKE AN APPROPRIATION FOR THE YEARS 1897 AND 1898.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That Section 1 of "An Act in Relation to the Establishment of a State Home for Dependent and Neglected Children, and Making an Appropriation Therefor," approved April 10, 1895, be so amended as to read as follows:

Location.

"Section 1." There shall be established in or near Denver, in this State, and maintained by the State, an institution which shall be known as The State Home, and it shall be for a home for the children of sound mind and body under sixteen years of age, who are dependent on the public for support; Provided, That the Board of Control of said Home shall have authority to admit, in their discretion, any child dependent or neglected, regardless of its physical condition.

Name.

Children under 16.

Board of control, authority.

Section 2. That Section 14 of "An Act in Relation to the Establishment of a State Home for Dependent and Neglected Children, and Making an Appropriation Therefor," approved April 10, 1895, be amended so as to read as follows:

Section 14. The State Home shall receive all children committed to it pursuant to this Act; Provided, That the Superintendent of said Home, being authorized by resolution of said board, shall endorse on the petition of the County Commissioners, herein provided for, his certificate that there is room in the Home for the admission of the child, and that the Home fund is sufficient to provide for its support while therein. Whenever there are more admissible children in the several counties than can be received in said Home, it shall be the duty of the Superintendent of said Home to divide such admission pro rata among the counties, according to the number of dependent children in each at the time of such admission, giving preference to counties of the same or larger population that have had less admitted into said Home. Whenever the County Commissioners of any county shall be informed by the Superintendent of said Home that any dependent children from their county can be received into said Home, it shall be their duty to forward them to said Home, as provided in this Act, as soon as practicable; and it shall be unlawful for the County Commissioners of any county to retain and support in their county any child admissible by law to said Home after such notification. The expense of transportation of children to said Home, pursuant to law, and the expenses of returning any of said children to their counties, after their admission by said Board, as improper inmates of said Home, shall be paid by the county so sending such children.

Children—how received.

Where in excess of accommodations, divide pro rata by counties.

Unlawful for county commissioners to retain and support after notification.

Transportation paid by counties.

Section 3. That the sum of twenty thousand dollars (\$20,000) be and the same is hereby appropriated out of the General Revenue Fund for the years 1897 and 1898, for the care, maintenance and support of the State Home for Dependent Children, for the years 1897 and 1898, to be drawn as other money from the State treasury, as provided by the Act establishing the State Home for Dependent Children.

Appropriation for maintenance and support.

Emergency.

Section 4. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved April 17, 1897.

CHAPTER 24.

APPROPRIATION—STATE REFORMATORY.

(H. B. No. 211.)

AN ACT

APPROPRIATING FUNDS OUT OF ANY MONEYS IN THE STATE TREASURY NOT OTHERWISE APPROPRIATED AND FROM ANY FUND AVAILABLE FOR SUCH A PURPOSE, FOR THE PURPOSE OF CONSTRUCTING A SYSTEM OF SEWERAGE, THE PURCHASE OF WAGONS AND FARM IMPLEMENTS, AT THE STATE REFORMATORY AT BUENA VISTA.

Be it Enacted by the General Assembly of the State of Colorado:

Appropriation
for sewerage.

Section 1. That for the purpose of constructing a system of sewerage at the State Reformatory at Buena Vista, there is hereby appropriated out of any moneys in the State treasury and from any fund available for such a purpose not otherwise appropriated, the sum of one thousand (\$1,000) dollars.

Farm
implements.

Sec. 2 That for the purpose of purchasing necessary wagons and farm implements for the use of the State Reformatory at Buena Vista, there is hereby appropriated out of any moneys in the State treasury and from any fund available for such a purpose not otherwise appropriated, the sum of five hundred (\$500) dollars.

Emergency.

Sec. 3. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved April 17, 1897.

CHAPTER 25.

APPROPRIATION—UNIVERSITY OF COLORADO.

(H. B. No. 191.)

AN ACT

TO PROVIDE FOR THE SUPPORT OF THE UNIVERSITY OF COLORADO, AND MAKING APPROPRIATIONS THEREFOR.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. For the support and to properly sustain the rapid development and growing usefulness of the University, there shall be and hereby is appropriated out of any money in the State treasury, not otherwise appropriated, the sum of forty thousand dollars (\$40,000) for the years 1897 and 1898. Appropriation for support.

Sec. 2. All moneys appropriated by this Act shall be expended under the direction and control of the Regents of the University of the State of Colorado. How expended.

Sec. 3. The Auditor of the State, upon the order of the Board of Regents of said institution signed by its President and Secretary, shall draw his warrant upon the State Treasurer for the moneys hereby appropriated as said moneys may be expended. Auditor draw warrants.

Sec. 4. In the opinion of the General Assembly an emergency exists; therefore this Act shall take effect and be in force from and after its passage. Emergency.

Approved April 17, 1897.

CHAPTER 26.

ASSIGNMENTS.

(S. B. No. 288.)

AN ACT

CONCERNING ASSIGNMENTS FOR THE BENEFIT OF CREDITORS.

Be it Enacted by the General Assembly of the State of Colorado:

"Property"
defined.

Section 1. That the word "property" used in this Act and the proceedings pursuant hereto, unless the same be inconsistent with the context, shall be construed to mean and include all goods, chattels and effects, real, personal and mixed property, money, rights and credits, and choses in action, excepting only such as is by law not subject or liable to levy and sale under execution. And the word "person," unless the same be inconsistent with the context, shall in like manner be construed to include individuals, partnerships, associations and corporations.

"Person"
defined.

General assign-
ment—how
made.

Sec. 2. Any person may make a general assignment for the benefit of his creditors by deed duly acknowledged, which when filed for record in the office of the Clerk and Recorder of the county where the assignor resides, or if a non-resident, where his principal place of business is in this State, shall vest in the assignee in trust for the use and benefit of such creditors, all the property of the assignor, excepting only such as is by law not subject to levy and sale under execution; subject, however, to all valid and subsisting liens.

Assignor render
inventory in
four days.

Sec. 3. The assignor shall within four days from the date of said assignment, render to such assignee an inventory under oath of his property, to the best of his knowledge, with the estimated value thereof,

and also a list of his creditors, giving their names, residence and post-office address, if known, and the amount of their respective demands, but such inventory shall not be conclusive of the amount of the assignor's estate, nor shall the omission of any property from such inventory defeat the assignment or conveyance of the same. List of creditors.

Sec. 4. No such deed of general assignment of property by an insolvent, or in contemplation of insolvency, for the benefit of creditors, shall be valid, unless by its terms it be made for the benefit of all his creditors, in proportion to the amount of their respective claims. Not valid except for benefit of all.

Sec. 5. In case of the assignment of property for the benefit of all the creditors of the assignor, the assent of the creditors shall be presumed. Assent presumed.

Sec. 6. The assignee shall forthwith, or within a period not to exceed six days from the date of the filing of the deed of assignment, file with the Clerk of the District or County Court, of the county, in which such deed of assignment is recorded, a true and full inventory and valuation of the property of said assignor, under oath, so far as the same has come to his knowledge, and shall then and there enter into bonds before said Clerk, in favor of the people of the State of Colorado, for the use of the creditors in double the amount of the inventory and valuation, with sureties to be approved by said Clerk for the faithful performance of said trust and for a full and complete accounting for and of all property that may come into his hands as such assignee; and such assignee shall have no power or authority to sell or dispose of, or convert to the purposes of the trust any part of such estate, until he shall have complied with the provisions of this section. Assignee file with clerk under oath. Bonds in double amount of valuation. Clerk approve.

Sec. 7. An assignee, named and qualified under this Act, shall be held and deemed to be an officer of court. And any interference with said assignee in the discharge of his duties shall be contempt of Assignee deemed an officer of court.

Suit against
only by permis-
sion of court.

court, and no suit against said assignee in relation to, or concerning the property assigned, shall be begun or instituted against said assignee without permission of the District Court within and for the county wherein the assignment is made first had and obtained; or if the assignment is pending in the County Court, then such permission may be obtained from the County Court.

Real property
conveyed to.

File notice of
assignment
with clerk.

Description.

Constructive
notice of trans-
fer.

Publication of
assignment.

Four weeks.

Notice by mail.

Creditor present
claim within
three months.

Priority of
claims.

Affidavit of no-
tice given.

Sec. 8. Where real property, or any interest therein, is, by such deed, conveyed to the assignee, the assignee shall forthwith file with the Clerk and Recorder of each county where the real estate is situated, a notice of the assignment, containing the names of the assignor and assignee, the date of the deed of assignment, when and where recorded, and a description of the property in that county affected thereby, and the same shall be constructive notice to a purchaser or encumbrancer of the transfer of the property in said county, described in such notice.

Sec. 9. The assignee shall forthwith give notice of such assignment, by publication in some newspaper in the county, if any, and if none, then in the nearest county thereto, which publication shall be continued four weeks, and he shall also forthwith send a notice by mail to each creditor of whom he shall be informed, directed to his usual place of residence, stating the estimate of the aggregate value of all the property of the assignor, the estimate of the amount of his liabilities, and notifying each creditor to present his claim, under oath, to the assignee within three months from the mailing of such notice; and it shall be the duty of each creditor to present his claim in the manner and within the time mentioned in said notice. Claims filed within first three months shall have priority over those filed thereafter, unless a creditor can show, to the satisfaction of the Court, or Judge, that he never received any such notice. Proof of notice by mail shall be made by affidavit, by the assignee, giving a list of creditors, and names of postoffice where notice was sent, within

ten days after the mailing of the same, and the proof of the notice by publication shall be made by affidavit of the printer, or publisher, within ten days after the last publication, or no fees shall be allowed the assignee for such notice by mail or publication. Publisher's affidavit.

Sec. 10. At the expiration of three months, from the time of the first publication, and the mailing of notice, the assignee shall report, and file with the Clerk of the Court, a true and full list, under oath, of all the creditors of the assignor, who shall have filed their claims, the place of their residence, the amount claimed, and the amount and value of any security held by any such creditor, if any. He shall also file a statement of all his proceedings with reference to such trust, showing what money has come into his hands and all the disbursements thereof. After three months file with clerk.

Sec. 11. Any person interested, may appear before a dividend shall be made, and file with said Clerk any exceptions to the claim or demand of any creditor, and the Clerk shall thereupon cause notice thereof to be given to the creditor, which shall be served and returned, as in the case of a summons. Exceptions to claims filed with clerk. Clerk give notice to creditor as in summons. Within the time allowed to answer in an action at law, the creditor shall file his reply. The Court or Judge shall designate the time for the hearing, and shall at such time hear the allegations and proof offered, and shall render such judgment thereon as shall be just. Court render judgment.

Sec. 12. If no exception be made to a claim filed, or if the same has been favorably adjudicated, the Court shall enter judgment in favor of the creditor and against the assignor for the amount claimed and found due and order the assignee to make, from time to time, fair and equal dividends among the creditors, of the assets in his hands, in proportion to their respective claims, and as soon as may be, to render a full account of said trust to said court, who may allow such compensation or commissions, following as near as may be the compensation allowed executors for like services, as may be just and right. If no exception. Court enter judgment against assignor.

Assignee under supervision of court.

Sec. 13. The assignee shall at all times be subject to the order and supervision of the Court or Judge and may by citation or attachment, be compelled from time to time, to file reports of his proceedings, and the situation and condition of the trust, and to proceed in the faithful execution of the duties required by this Act, to keep correct books of account open to the inspection of the Court or Judge, or any person interested in said estate, or his attorney. All conveyances of real estate by the assignee, and all sales of personal property by the assignee, not in the usual course of business, as conducted by the assignor, shall be approved by the Judge before such sales shall be valid.

Conveyances not valid unless approved by court.

Failure or neglect of assignee.

Sec. 14. In case the assignee named in the deed shall fail or neglect, for the period of ten (10) days after the making of any assignment to file an inventory and valuation, and give bonds as required by this Act, or, in case of his death before the closing of his trust, or, in case of his removal from the execution of the trust, the Court or Judge may, upon the application of any person interested, appoint an assignee to execute such trust, who, when he has qualified, as provided in this Act, shall have all the rights, powers and authority, and be subject to the same restrictions and obligations, as an original assignee.

Court appoint upon application.

Court may remove.

Sec. 15. The Court or Judge may remove the assignee for neglect in the execution of the trust, for fraud, for missapplying the trust, or wasting the estate, or for failure to comply with the provisions of this Act, or to obey the orders of, or to submit to the supervision of the Court, or for any other good cause shown; or he may be removed upon the petition of the majority in number and value of the creditors, unless the Court shall be satisfied that such removal would not be for the best interest of the trust estate.

May be removed upon petition of majority of creditors.

Sec. 16. The assignee shall have all the rights, power and authority of the assignor necessary to fully execute such trust, to demand and sue for any and

all property belonging to such estate, and to execute valid receipts; and may, by deed duly acknowledged by him, in his own name as assignee, convey any and all of the estate, real and personal, subject to approval, as stated in Section Thirteen (13) hereof. Where the assignee has been appointed by the Court or Judge, in place of an assignee removed, it shall be his duty to compel by suit, or the peremptory order of the Court, the delivery of the trust estate and the property, or the value thereof, that may have been wasted or misapplied by the previous assignee.

Assignee have authority of assignor to sue and convey, subject to approval of court.

Compel redelivery.

Sec. 17. In case it shall be shown to the Court at any time that the sureties on the assignee's bond are not sufficient, the Court may order sufficient sureties to be given, and may compel obedience thereto by removal or otherwise.

If sureties insufficient.

Sec. 18. The assignee shall, from time to time, file with the Clerk of the Court, an inventory and valuation of any additional property which may come into his hands after the first inventory, and the Judge, or, in his absence, the Clerk, may thereupon require him to give additional security.

Additional security for additional property.

Sec. 19. The Court or Judge may, upon the application of the assignee, or of any creditor, compel the appearance in person of the debtor, or any other witness, before the Judge or Court, or a Commissioner to be appointed by the Court or Judge, forthwith, or at any time designated, to answer under oath such matters as may then and there be inquired of him; and such debtor or other witness may then and there be fully examined under oath as to the amount and situation of his property, as to payments and conveyances made by him, and the names of creditors and the amounts due to each, with their place of residence, and the Court or Judge may, upon like application, compel the debtor to deliver to the assignee any property or estate embraced in the assignment.

Court may compel appearance of debtor and delivery of property.

Not invalid because of misappropriation. **Sec. 20.** No assignment shall be invalid because of misappropriation of the property of the debtor by him, or prior to the assignment, but the assignee may recover such property, if so misappropriated in fraud of this Act. But nothing in this Act contained shall

Saving clause. invalidate any conveyance or mortgage of property, real or personal, by the debtor before the assignment, made in good faith, for a valid and valuable consideration.

Debts not due. **Sec. 21.** Debts not due may be claimed, but if the same are not bearing interest, a suitable rebate shall be made. Interest shall be computed to the date of the assignment and not afterwards.

Interest.

Majority appoint attorney. **Sec. 22.** The majority in number and value of the creditors may, in writing, appoint an attorney at law, to represent the estate before the Court, or Judge, who, in case of his appointment, shall examine all reports and inventories and books of the assignee, and inquire fully as to the conduct of the assignee in the discharge of his trust. He may appear for the assignee, in all suits in behalf of the assignee in securing, preserving or defending the estate, but shall appear in behalf of the creditors, in all suits, examinations or inquiries as to the accounts or the conduct of the assignee concerning said estate. The Court or Judge may allow such compensation to such attorney as may be just and reasonable.

Duties.

Compensation.

Creditors and assignee may agree to waive proceedings. **Sec. 23.** At any time after an assignment has been made, the assignor, the creditors and assignee of such assignor, may agree in writing, that all proceedings to be had before the Court or Judge thereof, under the provisions of this Act, may be waived, and upon the filing of such agreement with the Clerk of the proper Court, such Court, and the Judge thereof, shall cease to have any further jurisdiction over such assignment and the proceedings thereunder, and the assignee shall no longer be held accountable to said Court, or the Judge thereof, and the creditors and the assignee, with the consent of the assignor, in writing,

File with clerk.

Assignee relieved by court.

Disposition of estate.

may make such disposition of the assigned estate, and arrangements in reference thereto, as to them shall seem proper in the premises.

Sec. 24. Before the assignee shall be discharged, he shall file his final report, showing that he has fully accounted for all the property that came into his hands, and discharged the trust, and shall send a written notice to all the creditors, at least ten (10) days before the hearing, stating that his final report is on file, that he has applied for his discharge, and that such report will be examined and the application heard at the time and place designated in the notice. When the trust estate is fully closed, the Court or Judge may order that the assignee and the sureties on his bond be fully discharged from all liability in behalf of said estate.

Final report.

Notice given.

Court discharge.

Sec. 25. The assignee shall close his trust within one year from the filing of the deed of assignment, unless the Court or Judge, for good cause shown, extend the time.

Close trust in one year unless.

Sec. 26. No deed of assignment shall be invalid which excepts from the operation thereof the property which by law is not subject or liable to levy and sale under execution.

Deed not invalid where property not subject to sale.

Sec. 27. The valid claims of servants, laborers and employees of the assignor, for wages earned during the six months next preceding the date of the assignment, not to exceed fifty dollars, to any one person then unpaid, and still held by the person who earned the same, and all taxes assessed under the laws of this State, or of the United States, shall be preferred claims and be paid in full, prior to the payment of the dividends in favor of other creditors.

Employees and taxes preferred claims.

Sec. 28. Any creditor may maintain an action on the bond of the assignee, for any damages such creditor may have sustained, by the reason of the acts or failure to act of said assignee.

Creditor may bring action for damages.

Sec. 29. No mortgage, deed of trust, or other security, real or personal, securing the payment of

Mortgage not foreclosed for one year unless court allow.

claims against the assigned estate shall be foreclosed within one year from the making of such assignment, except upon order of Court as hereinafter provided. No such mortgage, deed of trust, or other security shall be foreclosed, otherwise than by suit in Court, unless the claim secured shall first be proved and allowed by such Court; and when such claim shall be so proved and allowed, such Court may order a foreclosure of the mortgage, deed of trust or other security within one year from the making of the assignment. The lien of the mortgage, trust deed or other security affected by this Act shall not be impaired by the suspension of the remedy herein provided for.

Lien not impaired.

Assignments pending governed by provisions of this act.

Sec. 30. Any person who shall hereafter make a general assignment of his property for the benefit of all of his creditors, or any assignor who shall have made an assignment which is still pending for the benefit of his creditors under or in pursuance of the laws of this State, may be discharged from his debts of every character, except as in this Act is otherwise provided, as part of the proceedings under such assignment, upon compliance with the provisions of this Act.

Assignors desiring discharge where deed filed after passage of this act.

Sec. 31. Such assignor desiring a discharge from his debts shall at any time after three months and within one year after filing his deed of assignment, as required by law, if such deed is filed after the passage of this Act, but if such deed shall have been filed prior to the passage of this Act, then within one year after the passage of this Act, file in the office of the Clerk of the Court where such assignment is pending, his application for such discharge, addressed to said Court, in which application he shall state the date of the filing of the deed of assignment, and the name and postoffice address of the assignee named therein, to which application shall be attached an inventory of his property, with the estimated values thereof, and a list of his creditors, giving their names,

Where prior to.

File application with clerk addressed to court.

What shall state.

and residences, and the amount of their respective claims to the best of his knowledge. Such inventory shall cover all the property of the assignor, owned or acquired by him, and such list of creditors shall cover all his indebtedness of every character contracted up to the time of filing his application for such discharge; and all of such property and indebtedness shall come under the provisions of this Act.

Sec. 32. Said assignor shall sign said applica-^{Annex affidavit.} tion and annex thereto an affidavit subscribed and sworn to by him, substantially in the following form:

State of Colorado, }
County of } ss.

I,....., do solemnly swear,^{Form.}
by the ever living God (or affirm), that I have read (or heard read) the foregoing application signed by me; that the same is true of my own knowledge; that the inventory of my property with the estimated values therein, and the list of my creditors, with their names, residence and amount of their respective demands, are as accurate and complete statements of my property with the estimated value thereof, and of my creditors with their names, residence and amount of their respective demands, as I can make it; that I have not at any time or in any manner whatsoever, during my insolvency, disposed of, or made over any part of my property for the future benefit of myself or of my family, or in order to defraud any of my creditors; and that I have in no instance created or acknowledged a debt for a greater sum than I honestly and truly owe; that I have not fraudulently contracted any debt now due or owing from me, and that I have not paid, secured to be paid, or in any way compounded with any of my creditors with a view to fraudulently obtain the discharge prayed for in the foregoing application, and that I have not used my property, or any portion thereof, or proceeds from the sale thereof, within two months prior to the date

of my assignment herein in giving preference to any of my creditors, in the payment of their debts.

Subscribed and sworn to before me this.....
day of A. D. 189....

Sec. 33. Upon the filing of such application in the office of the Clerk of such Court, and the presentation thereof to said Court, such Court, or a Judge thereof, shall make an order which shall be entitled in the matter of such assignment, requiring all the creditors of such assignor to show cause, if any they have, why such assignor should not be discharged from his debts. Such order shall refer to said assignment, and shall state the time and place of the filing thereof, the name and postoffice address of the Clerk in whose office the same is filed, the name and address of the assignee named in such assignment, and the time and place of the filing of such application. If such application be made to such Court, or a Judge thereof, such order shall also fix a day in the same or the next ensuing term of the Court, for a hearing thereof, and shall also require that a copy thereof be by the Clerk of said Court published in a newspaper published in the county in which the application is made, if there be one, and if not, then in a newspaper published in an adjoining county, for at least four successive weeks prior to the day of hearing, and that a copy of such application and of said order be, within five days from the date of such order, by the Clerk of said Court deposited in the postoffice, postpaid by registered mail, directed to each of the creditors of such assignor, whose address is given in the application of said assignor, or who have filed claims as herein provided. But if a co-partnership be a creditor, it shall not be necessary to mail a copy of such application and of such order to each member of such co-partnership; but it shall be sufficient if a copy of such application and of said order be so deposited and directed to such co-partnership, in its firm name, or designation, or if a corporation or

Court make
order to credit-
ors to show
cause.

What shall
state.

Fix day for
hearing.

Publication in
newspaper four
weeks prior to.

Copy by regis-
tered letter to
creditors.

Co-partnership
or corporation
creditors.

association be a creditor, then such copy need only be mailed to such corporation at its usual place of business, or to one of the officers of such corporation, or association. The Clerk of said Court shall file immediately upon mailing said notice his affidavit, containing the names and addresses of all persons, partnerships, associations, or corporations to whom he has mailed notices.

Clerk file affidavit of mailing.

Sec. 34. On the day fixed in such order, or on any subsequent day or time that such Judge or Court may appoint, such Judge or Court shall hear the proofs and allegations of the parties; and before any other proceedings be had, shall require a proof of the publication of said order and of the mailing of a copy of said application and order, as in said order required. On the hearing of such application, such application shall be regarded as a complaint, and any creditor of said assignor, may file in the office of the Clerk of said Court at least ten days previous to the day set for the hearing his answer to such application, duly verified in the manner that pleadings are required to be verified, setting forth the grounds of his objections to such discharge, which answer, in order to admit of filing, shall controvert one or more of the material allegations of the affidavit, required by Section 32 hereof. All issues so formed shall be consolidated and tried together. If the allegations of such application and affidavit for discharge shall not be controverted, as in this section provided, then the same shall be taken as true without further proof.

Court hear allegations.

Require proof of publication and mailing.

Creditor may file answer to application.

Sec. 35. The assignor or any creditor opposing the discharge of an assignor under this Act may at the time appointed for the first hearing, demand that the cause be heard and tried by a jury, and shall be entitled to an order to that effect; but unless such demand is made the cause shall be tried by the Court, without a jury, and such trial unless by consent of such assignor shall be had in the county where the assignor resides.

May demand jury trial.

Trial where assignor resides.

Jury drawn as
in civil cases.

Sec. 36. If such demand is made to such Court, the jury shall be drawn in the same manner as in civil cases from the jurors summoned and attending such Court, who shall be sworn well and truly to hear, try and determine the validity of the objections so specified.

Verdict
recorded as in
civil cases.

Sec. 37. Such jury having heard the proof and allegations of the parties, shall determine the matter submitted to them, and for that purpose shall be kept together by some proper officer to be sworn as is usual in like cases in courts of record, until they agree upon their verdict or are discharged by such Court or Judge. Such verdict shall be recorded as in other cases, and the costs shall be taxed against the unsuccessful party.

If jury unable
to agree, court
decide.

Sec. 38. There shall be but one hearing before a jury, unless a new trial is granted, and, if they cannot agree after being left together for a reasonable time, they shall be discharged and such Court or Judge shall decide the merits of such application and objections in the same manner as if no jury had been called.

Examination.

Sec. 39. At the hearing of such application, before a jury or otherwise, the assignor may be examined on oath, at the instance of any creditor, touching his property or debts, or as to any matter at issue, and any such creditor may contradict or impeach by other competent evidence any testimony given by such assignor. And such assignor may have the testimony of such witnesses or such documentary evidence in support of his application as he may deem necessary.

Sec. 40. Every creditor of such assignor, residing without this State, who shall file an affidavit, or make other proof of his claim against such assignor, or who shall accept or receive any dividend from the assignee of such assignor, or out of the estate of such assignor, or shall in any way participate in the proceedings under such assignment, shall be deemed to be a party to such proceedings for a discharge of

such assignor from his debts; and the filing of such affidavit, or the making of such proof of claim, or the receiving such dividend or participation in such proceedings shall be deemed to be, and is declared to be, an appearance in the matter of such assignment and application for a discharge; and every creditor of such assignor residing within this State to whom a notice shall have been mailed by the Clerk of the Court as hereinbefore required, shall be deemed to be a party to such proceedings for the discharge of such assignor from his debts; and the order and discharge made and granted by such Court or Judge shall be final and binding upon all of the creditors of such assignor residing within this State, and upon all creditors of such assignor residing without this State who shall have appeared or shall be deemed to have appeared or to have become parties to such proceedings as hereinbefore provided; subject to the right of any creditor to appeal from any order, decision or judgment made or entered in such proceeding in the manner provided by law.

Filing of affidavit by creditor deemed an appearance.

Creditors to whom notices mailed parties to proceedings.

Order of discharge final and binding.

Subject to appeal.

Sec. 41. If it shall appear upon such hearing or trial that such assignor has, in good faith, made a general assignment for the benefit of his creditors, and has in all respects complied with the laws of this State in relation to voluntary assignments, and with this Act, and that the material allegations and averments in the affidavit required by Section 32 hereof, are true, such Court or Judge shall grant such assignor a discharge from all debts, claims or liabilities incurred or growing out of any act, deed or contract made or entered into prior to the time of making such deed of assignment; and if it shall appear upon said hearing or trial that the said assignor has fraudulently contracted a debt, such assignor shall not be discharged from such debt so fraudulently contracted, or if a creditor at the time of such discharge holds a lien upon property, the Court shall grant a discharge of the assignor for all purposes, ex-

If assignor acted in good faith in assignment.

Court discharge from all debts prior to.

If fraudulently contracted debt shall not be discharged.

If creditor hold lien at time of discharge.

cept that of enabling the creditor to enforce his lien. Provided, If it should be found that any assignor has made any conveyance or disposition of his property, or given any preference in the payment of or security given to any of his creditors in violation of any of the provisions of this Act, and such conveyance or disposition or preference shall have been made without any intention on the part of the assignor to defraud his creditors, but in all other respects has complied with this Act, such assignor shall be entitled to a discharge hereunder, if within three months from the date of such finding he causes to be conveyed to his assignee for the benefit of his creditors, the property so found to have been conveyed or disposed of, or makes good to the assignee the value thereof to be fixed by the Court or jury, or pays to the assignee the amount of the indebtedness so paid or secured to be paid by such preference. Nothing in this Act contained shall be held to prevent any assignor from obtaining his discharge because of the payment by him of necessary household expenses incurred within three months prior to the making of an assignment. Provided further, That this Act shall not include, and no assignor shall be discharged from any debt or obligation which shall have been created in consequence of or by the defalcation of such assignor, as a public officer, an executor, administrator, guardian, conservator or trustee, or acting in any other fiduciary capacity; nor any debt or obligation to any person who has paid or may pay any such fiduciary debt or any part of it.

Sec. 42. Upon the granting of such discharge by said Court or Judge, the Clerk of said Court shall immediately enter upon the judgment docket of said Court, against such insolvent debtor and in favor of each of his creditors who appear by the list of creditors rendered such assignee of such assignor, to be a resident of this State, and in favor of each of the creditors of such assignor, whose residence appears by such list to be out of the State, and who have ap-

If assignor convey or give preference without intent to defraud.

May be discharged if make good to assignee.

Necessary household expenses.

If defaulter, shall not be discharged.

Clerk enter judgment against insolvent debtor in favor of creditors.

peared or shall be deemed to have appeared as defined by this Act, judgment for the sum respectively appearing or shown to be due him and allowed to him in the proceedings under such assignment; and shall also enter a discharge thereof upon such docket, by order of said Court, which shall discharge such assignor from all personal liabilities in favor of such of his creditors as shall reside in this State, and such of his creditors who reside out of this State, as have appeared or shall be deemed to have appeared as defined by this Act. If the sum owing to any creditor shall not have been determined at the time of the granting of such discharge, then judgment therefor shall be entered and discharged as soon as the sum shall be determined. The total fees of the Clerk of said Court in each assignment proceeding for docketing, indexing and discharging all such judgments shall be five dollars, irrespective of the number of such judgments.

Enter
discharge.

Creditors in
state.

Out of state.

Fees of clerk.

Sec. 43. In any action which may be brought against such assignor, a discharge granted pursuant to this Act may be pleaded, and shall constitute a bar to the recovery against him for, or on account of, any indebtedness or liability of his found due in such proceedings and included in such judgment so entered and discharged as above provided.

Subsequent ac-
tions against
assignor.

Bar to recovery.

Sec. 44. Appeals may be taken as now provided for by law by such assignor, or by any creditor from any final order or judgment made or entered in such proceedings by such Judge or Court, within the same time and in the same manner as appeals in ordinary civil actions; Provided, That the appeal bond in such case shall be conditioned for the payment of the costs of appeal only, in case the judgment shall be affirmed and for the due prosecution of the appeal; and, Provided further, That any appeal by one or more creditors shall not suspend the discharge from the debt of creditors not appealing.

Appeals.

Appeal bond
conditioned.

Discharged
from those not
appealing.

Discharge of debtor not release others jointly liable.

Sec. 45. The discharge of any debtor under the provisions of this Act shall not discharge or affect the liability of any surety, endorser, guarantor, or joint maker or obligor, of such assignor, or of any other person who is liable for the same indebtedness whether as a penalty, primary liability, or otherwise.

Subsequent property or liabilities not affected.

Sec. 46. Property acquired by such assignor or liabilities incurred by him, subsequent to the filing of his petition for a discharge under this Act, shall not be affected by such assignment or discharge.

Concurrent jurisdiction of county court where amount does not exceed.

Sec. 47. The County Court of the proper county shall have concurrent jurisdiction with the District Court in the matter of assignments and petitions for discharge under this Act, in all cases when the amount involved does not exceed the sum of two thousand dollars (\$2,000) and no appeals shall be allowed in such proceedings from the County Court to the District Court.

No appeals from.

If found amount exceeds after proceedings begun.

Sec. 48. If at any time after the institution of any proceedings under this Act in the County Court, it shall be found that the amount involved exceeds the sum of two thousand dollars (\$2,000), the entire proceedings shall forthwith be transferred to the District Court of the same county; and all original papers filed in the County Court shall be transferred to the District Court, together with a transcript of all proceedings had in the matter.

Transfer to district court.

Civil code shall apply except.

Sec. 49. The provisions of the Civil Code entitled "An Act to Provide a Code of Procedure in Civil Actions for Courts of Record in the State of Colorado, and to Repeal All Acts Inconsistent Therewith," approved April 7, 1887, as amended from time to time, shall be applicable and shall control in all proceedings under this Act, except as herein otherwise provided.

Sec. 50. The act entitled "An Act in Relation to Assignments for the Benefit of Creditors, and to Repeal Acts Inconsistent Therewith," approved April 10, 1885, and the act entitled "An Act to Amend Sec-

tion One (1), Section Two (2) and Section Five (5) ^{Repeal.} of an Act Entitled 'An Act in Relation to Assignments for the Benefit of Creditors,' and to repeal acts inconsistent therewith, approved April 10, A.D. 1885, approved April 8, 1893, and the act entitled "An Act in Relation to Assignments for the Benefit of Creditors, and Constituting Assignees Officers of Court," approved April 8, 1893, and all acts and parts of acts in conflict with this Act are hereby repealed; Provided, That such repeal shall not affect any proceedings now pending; but the same may be prosecuted to final determination under the terms of the acts so repealed. ^{Not affect proceedings pending.}

Approved May 5, 1897.

CHAPTER 27.

ASSIGNMENTS.

(S. B. No. 29.)

AN ACT

IN RELATION TO ASSIGNMENTS FOR THE BENEFIT OF CREDITORS.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That in all assignments for the benefit of creditors that have heretofore been made, or that shall hereafter be made in this State, the District Court, or the County Court within its jurisdiction when the assignment is pending therein, in and for the county in which such deed of assignment is recorded as now provided by law, shall have full power and complete jurisdiction over all the property, real, personal and mixed, conveyed by such assignment from the date of the making of the same. ^{Assignments. District and county courts have full power and jurisdiction.}

That said Court may make any order or orders in reference to any part or all of the property embraced in said estate and the disposition thereof by the assignee as to such Court may seem just and equitable, and all such orders shall be legal and binding upon the assignor, the assignee and creditors of said estate whether any notice be given of the application therefor or the order so made or not; **Proviso.** That the said Court may in its discretion require notice of such an application so made to be given in reference to any matter that may come before it for hearing, and in such case it shall by an order direct the form and manner of giving such notice so required by it.

Section 2. When any difficulty shall be encountered by the assignee in converting the assigned property of any assignment heretofore, or hereafter made, or any part thereof, into cash on account of there being no sufficient market therefor, or for any other good reason; the Court may direct by such order or orders as described in Section 1 hereof the distribution of such property in kind among the creditors electing to take property, and creditors not electing to take property shall be paid an equal pro rata in cash, fixing by appraisement or sworn evidence in courts such price or value upon each piece, parcel, or item of property as shall make it bear and pay its proportion of the entire indebtedness of the estate, and as shall be just and equitable between the assignor and the creditors and all persons interested in the assigned estate. And, in such case, shall authorize the assignee to exchange such property in payment of the proved indebtedness of the estate at the prices so fixed. **Public auction.** Provided; When in the opinion of the Court the best interests of the estate would be promoted thereby, it may order the assignee to first offer such property at public auction; and, in such case, it shall provide by its order, the kind and form of notice that shall be given of such sale. The assignee at such sale shall offer and sell the property

May make order as to disposition without notice.

Court may direct distribution of property.

Creditors not electing to take property paid in cash.

Value ascertained.

Authorize assignee to exchange.

to the highest and best bidder therefor in proved accounts against the estate. Provided further; That the assignee shall not accept of any bid lower than the price fixed by the Court on the property so offered. Limit of bids.

Section 3. All such orders as are contemplated by this Act which have heretofore been made by any District Court of this State are hereby legalized. Previous orders legalized.

Section 4. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage. Emergency.

Approved May 5, 1897.

CHAPTER 28.

ATTACHMENTS.

(S. B. No. 33.)

AN ACT

TO AMEND SECTION 2 OF AN ACT ENTITLED, "AN ACT TO AMEND THE ATTACHMENT LAWS IN JUSTICE'S COURTS OF THE STATE, AS PRESCRIBED BY DIVISION 5 OF CHAPTER 62 OF THE GENERAL STATUTES OF THE STATE OF COLORADO OF 1883," APPROVED MARCH 6, 1894.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That Section Two (2) of an act entitled, "An Act to Amend the Attachment Laws in Justices' Courts of the State, as Prescribed by Division 5 of Chapter 62 of the General Statutes of the State of Colorado of 1883," approved March 6, 1894, be and the same is hereby amended to read as follows:

Section 2. When an attachment has been issued and a levy made thereunder, or garnishment process served, the Justice of the Peace shall, upon the return Justice continue hearing for 20 days.

All creditors
have like remedies
as original
plaintiff.

day of the summons in said action, which shall not be less than five nor more than ten days from the issuing thereof, continue the hearing in said cause for twenty days; and any creditor of the defendant, upon making and filing, before the expiration of said twenty days, an affidavit, and undertaking, as hereinbefore required of the plaintiff, together with a copy of his claim or demand against the defendant, shall be made a party plaintiff in such action, and may have like remedies against the defendant to secure his claim or demand as are given to the original plaintiff.

Approved April 17, 1897.

CHAPTER 29.

ATTORNEYS-AT-LAW.

(H. B. No. 160.)

AN ACT

TO REGULATE ADMISSION TO THE BAR, AND REPEAL SECTIONS 70 AND 71 OF THE GENERAL STATUTES OF 1883 OF THE STATE OF COLORADO; SECTION ONE OF "AN ACT TO AMEND SECTION SEVENTY-NINE (79) OF THE GENERAL STATUTES OF 1883 OF THE STATE OF COLORADO, THE SAME BEING SECTION TWO HUNDRED AND SIX (206) OF MILLS' ANNOTATED STATUTES ENTITLED 'ATTORNEYS AT LAW',' APPROVED MARCH 7, 1893, AND ALL OTHER ACTS AND PARTS OF ACTS INCONSISTENT HEREWITH.

Be it Enacted by the General Assembly of the State of Colorado.

When may be
admitted with-
out examina-
tion.

Section 1. Any person who has been admitted to practice in the highest court of law in any other State or county, or who being an American citizen and domiciled in a foreign country, has received such

diploma or degree therein, as would have entitled him, if a citizen of such foreign country to practice law in its courts may, in the discretion of the Supreme Court, be admitted and licensed to practice law in this State with or without examination.

Sec. 2. No person, except as provided in Section 1 of this Act, shall be entitled to receive a license to practice as an attorney and counselor at law until the Supreme Court is satisfied by examination in open court, or by examination by members of the bar to be designated by the Supreme Court, that the applicant is of good moral character and possesses sufficient education and knowledge of law to justify his admission to the bar.

Must be of
good moral
character — ed-
ucational qual-
ifications.

Sec. 3. No person shall be denied a license to practice as aforesaid on account of race or sex.

Race or sex
shall not debar.

Sec. 4. Sections 70 and 71 of the General Statutes of 1883 of the State of Colorado; Section 1 of "An Act to Amend Section Seventy-nine (79) of the General Statutes of 1883 of the State of Colorado, the Same Being Section Two-Hundred and Six (206) of Mills' Annotated Statutes Entitled 'Attorneys at Law,'" approved March 7, 1893, and all other acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

Approved April 17, 1897.

CHAPTER 30.

BLACK HAWK—AUTHORIZING BONDED INDEBTEDNESS.

(H. B. No. 205.)

AN ACT

TO AUTHORIZE THE CITY OF BLACK HAWK TO INCUR A BONDED INDEBTEDNESS AND TO PROVIDE FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST THEREON.

Be it Enacted by the General Assembly of the State of Colorado:

Coupon bonds—
council author-
ized to sell.

Amount.

For water sup-
ply.

Section 1. That the City Council of Black Hawk, Gilpin County, Colorado, is hereby authorized to issue and sell to any person or persons, or any corporation, coupon bonds of said Black Hawk to an amount not exceeding the sum of twenty-five thousand (25,000) dollars, for the purpose of purchasing, constructing and maintaining a system of water works, and for purchasing and securing a better and more abundant supply of water for the said city.

Cash at par.

Section 2. That the City Council of Black Hawk shall sell these bonds for cash only, and not then for a less sum than the par value thereof. The money arising from the sale of such bonds shall be forthwith used for the purposes mentioned in Section One of this Act.

Denomination.

Interest.

When and to
whom paid.

Principal—
when and how
paid.

Section 3. That no bond shall be of less denomination than one hundred (100) dollars, and if issued for a greater amount, then for some multiple of that sum. Such bonds shall draw interest at a rate not to exceed seven (7) per cent. per annum from the date of their delivery, the interest to be paid at the office of the Treasurer of said city on the first day of April in each year, upon the presentation of proper coupons for the same, and the principal of such bonds shall

by payable at the option of said city, ten (10) years after their date, but due and payable absolutely fifteen (15) years after date, and such bonds shall provide that the principal and interest of the same shall be paid in any legal tender money of the United States.

Sec. 4. The bonds issued as provided in this Act shall be signed by the Mayor and Treasurer and attested by the City Clerk of said city, and bear the seal of said Black Hawk upon each bond and shall be numbered and registered in a book kept for that purpose in the order in which they are issued. Each bond shall state upon its face the amount for which it was issued, to whom issued, and the date of its delivery.

Bonds—how
issued.

Sec. 5. The City Council is further authorized to prescribe the form of said bonds and the coupons thereto attached, and to provide for the annual payment of the interest on the bonds actually issued and sold in pursuance of this Act; said interest may be paid out of the regular levy for city purposes, or revenue from sale of water; and for the ultimate redemption of such bonds the City Council may levy a special tax upon all taxable property in said city, which tax shall be kept by the City Treasurer as a special fund to be used in the payment of the interest on and redemption of these bonds only. Such tax shall be levied and collected in the same manner as other taxes, but such bonds may be paid in whole or in part from moneys received from the sale of water.

Interest—how
paid.

Special tax.

Sec. 6. Such bonds shall not be authorized or issued until the question of issuing the same shall be submitted to a vote of such qualified electors of said city as shall in the year next preceding have paid a property tax therein; and a majority of those voting on the question, by ballot deposited in a ballot box specially provided for that purpose, shall vote in

Vote of qual-
ified electors.

favor of issuing such bonds. Such question may be submitted at a general or special election as the City Council may determine.

Repeal.

Sec. 7. All acts and parts of acts in conflict herewith are hereby repealed.

Emergency.

Sec. 8. In the opinion of this General Assembly an emergency exists; therefore, this Act shall take effect and be in force, from and after its passage.

Approved March 29, 1897.

CHAPTER 31.

BLACKLISTING AND BOYCOTTING—TO PREVENT.

(S. B. No. 116.)

AN ACT

TO PREVENT BLACKLISTING AND BOYCOTTING.

Be it Enacted by the General Assembly of the State of Colorado:

Corporations or
individuals
shall not black-
list ex-employees.

Section 1. That any railroad or telegraph company, or any officer, agent or employe of any railroad or telegraph company, or any other company, corporation or individual doing business within the State of Colorado, shall not issue, circulate, or publish, or cause to [be] issued, circulated or published, any black list, circular, or other statement, regarding any person or persons who may have been in the employ of any of the above mentioned railroads, telegraph, or other companies, corporations, or individuals, which will deprive said person or persons of, or in any way prevent them from obtaining employment.

Must give specific reasons for dismissal.

Section 2. Any dismissed employe shall on demand be furnished by the aforesaid employer of said dismissed employe specific reasons in writing for said

dismissal; Provided, That no person or corporation shall be held liable either civilly or criminally for any such reasons so given upon such request. Not liable for reasons given.

Section 3. It shall be unlawful for any person or persons, or combination of persons, or society, or union, to establish or institute, or engage in a boycott against any individual, firm or corporation carrying on any kind of trade or business, by agreeing not to patronize, trade or do business with any such individual, firm or corporation, or to induce others not to so patronize, trade or do business with any such individual, firm or corporation. Unlawful for unions or employes to engage in boycott.

Section 4. Any violation of this Act shall be a misdemeanor and punishable by fine of not less than five hundred (500) dollars, nor more than one thousand (1.000) dollars, or imprisonment not less than sixty (60) days, nor more than one year, or both fine and imprisonment at the discretion of the Court. Penalty.

Approved April 21, 1897.

CHAPTER 32.

BOSS LAKE RESERVOIR—DISTRIBUTION OF WATER.

(H. B. No. 17.)

AN ACT

TO PROVIDE FOR THE DISTRIBUTION OF THE WATERS STORED OR TO BE STORED IN THE RESERVOIR KNOWN AS THE "BOSS LAKE RESERVOIR" SITUATED IN CHAFFEE COUNTY, COLORADO.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. The Board of County Commissioners of Chaffee County shall have charge and control of that certain State reservoir situated in said county and commonly known as the Boss Lake reservoir and shall, without expense to the State of Colo- County commissioners have charge and control.

Keep in good condition without expense to state.

Distribute water under direction of water commissioner.

Pro rata without reference to priorities and without expense to consumers.

County responsible for damages to dam.

Emergency.

rado, maintain and keep said reservoir in good condition and provide for the storage of water as contemplated in the act providing for the construction of said reservoir and also, for the distribution of said water under the direction of the Water Commissioner for the district in which said reservoir is situated, at such times as the scarcity of water in the stream known as the South Arkansas demands that the waters in said stream should be replenished for the purpose of irrigating the lands under ditches now, or hereafter to be constructed; Provided, That said waters shall be distributed by the said Water Commissioner pro rata without reference to the dates of priorities of water rights and without expense to the consumers thereof; Provided further that the county of Chaffee assumes and shall be held responsible for any damages resulting from breakage of the dam or water discharges therefrom.

Sec. 2. In the opinion of the General Assembly an emergency exists, therefore, this Act shall take effect and be in force from and after its passage.

Approved March 27, 1897.

CHAPTER 33.

BUILDING AND LOAN ASSOCIATIONS.

(S. B. No. 56.)

AN ACT

RELATING TO BUILDING AND LOAN ASSOCIATIONS, AND PROVIDING PENALTIES FOR FAILURE TO COMPLY THEREWITH, AND REPEALING ALL ACTS IN CONFLICT THEREWITH.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. Any association of not less than three persons hereafter incorporated under the laws of this State, which shall be organized within this State for the purpose of raising a fund by the collection of dues or stated payments from its members, to be loaned among its members, shall, in furtherance of such purpose, and after having complied with the requirements of this Act, be authorized and empowered to levy, assess, and collect from its members such sums of money, by rates of stated dues, fines, interest on loans advanced, and premiums bid by members for the right of precedence in taking loans, as the corporation may provide for in its constitution or by-laws. Also, to acquire, hold and convey all such real estate and personal property as may be legitimately pledged to it upon said loans, or may otherwise be transferred to it in the due course of its business.

Powers and
authorities of
incorporated
associations.

Section 2. The words "Loan and Building Association," "Building Association" or "Building and Loan Association" shall form part of the corporate name of every such corporation.

Must form part
of corporate
name.

Section 3. Every such association now or hereafter incorporated under the laws of this State complying with the provisions of this Act, may issue and sell its shares of stock in one or more successive series, or upon the permanent or Dayton plans in the denominations and to the extent as limited in the articles of incorporation of such associations, either fully or partially paid up in periodical or other installments, or upon all, either, or any of these plans and with or without full participation in the earnings of such association, or partially in limited dividend bearing stocks as may be provided by the by-laws of such association, for the purpose of raising a fund to make advances to members upon first mortgage, or trust deed, liens, upon real estate and upon the shares of stock issued by such association, or upon both such securities. Borrowing members of such associations shall be required to carry such periodical assessment stock with the association as shall have a par value equal to the loan and every share issued shall be subject to a lien for any advance made thereon, or other claim against the holder. Every such association may redeem its shares, and repay the funds acquired thereby with such earnings as the same may be entitled according to the terms of the issue thereof whenever the same shall be no longer required for the purposes of the association. Any stockholder wishing to withdraw may do so at such time and on such notice and terms as provided by the by-laws; Provided, That no association, either foreign or domestic, doing business in this State shall, on such business in paying the withdrawal of any certificate or any number of certificates originally issued to the same person, deduct an amount to exceed two dollars (\$2.00) per share as a withdrawal fee, which shall be further limited so that such fee shall not exceed ten dollars (\$10.00) in any on [one] transaction, irrespective of the number of shares in such certificates included in such transaction, when he or she shall be entitled to receive the amount provided by

Stock—how issued.

Borrowing members—requirements.

Stockholders may withdraw.

Proviso.

Withdrawal fees—limit of.

the by-laws, or determined by the Board of Directors, less all fines or other charges; Provided, That at no time shall more than one-half of the monthly receipts of the association be applicable to the demands of withdrawing shareholders without the consent of the Board of Directors, and that no shareholder in debt to the association shall be entitled to withdraw or transfer his shares held without the consent of the Directors of the association until such debt shall be paid.

Section 4. The number, titles, functions and compensation of the officers of any such association, their terms of office, the time of their election as well as the qualifications of the electors, and the votes and manner of voting, and the periodical meetings of such corporation, and the manner and terms upon which loans shall be made and repaid shall be determined by the by-laws. All such by-laws shall be made by the stockholders at their annual meeting, or by the Board of Directors of such corporation at any regular meeting of the Board of Directors. Every such corporation, before commencing business under this Act, shall file a copy of its by-laws with the Clerk and Recorder of the county in which the principal business of such corporation is carried on; and shall likewise so file copies of all subsequent changes and amendments of such by-laws; and all such corporations now doing business in this State shall immediately file copies of their by-laws with the Clerk and Recorder of the proper county; and also so file all subsequent changes and amendments thereto: Provided, That no such subsequent change or amendment to such by-laws shall in any manner change or effect [affect] the terms and conditions of any loan made prior to such change or amendment in said by-laws.

Section 5. No officer or director of any association shall negotiate for or receive a loan from such association, neither shall any loan be granted by such association to other parties upon security in which any officer or director of such association has an interest of any kind, except that any officer may be per-

Not more than one-half of monthly receipts applicable for withdrawing shareholders.

By-laws.

File with county clerk.

No officer or director shall negotiate for or receive loan except.

mitted to receive a stock loan to an extent and not to exceed ninety per cent. of the book value of the collateral shares: Provided, That the foregoing provisions of this section shall not apply to domestic associations doing business only in one county of the State. Any association may from time to time as its by-laws may provide, invest any portion of its funds not immediately required by its members in loans upon real estate or other securities, or invest in bonds, warrants or other securities, or may loan such surplus to any other association complying with this Act. Real estate may be purchased by such association under its own foreclosure proceedings, judgment or lien, or whenever it may be necessary to protect itself from loss, and the same shall be converted into money by sale as speedily as may be without detriment to the interests of the association. Any association under the laws of this State may purchase, build, hire or take upon lease any building for conducting its business and may adopt and furnish the same and may purchase, or hold upon lease, any land for the purpose of erecting thereon a building for conducting the business of the society, and may sell, exchange, or let such building, or any part thereof. Any association incorporated under the laws of this State, and complying with the terms of this Act, may, in such manner and to such extent within the limits hereinafter stated as may be provided in its by-laws, negotiate for and receive such long time, or short time loans on note or bond, as may be found necessary to advance the purposes of the association; Provided, That no association shall borrow money at any time to exceed one-fourth of its accumulated assets; Provided, further, That no note, bond, or other form of evidence of such debt shall be secured by the pledge of notes, bonds, or other securities held by the association, in such manner as to permit a sale of such collateral, but only to the extent of giving to the pledgee a prior lien for repayment on the proceeds of such collaterals when collected in the usual

Proviso.

Investment of funds.

Real estate under foreclosure.

Negotiate loans on notes or bonds.

Shall not borrow money to exceed one-fourth of accumulated assets.

Shall not so pledge collateral as to permit sale.

way according to their respective terms, except that this section shall not be held to abridge the right of any association to secure any loan obtained by mortgage or trust deed upon its real estate holdings, to the same extent and manner as might be done by any other corporation under the laws of this State.

Section 6. Every such corporation organized under the laws of the State of Colorado may loan its accumulations to members upon such plan of repayment as provided by its by-laws. They may charge, contract for and recover a premium upon such a plan as may be provided for in the by-laws, or note, or other evidence of indebtedness taken by such association, all of which notes shall be in form non-negotiable.

Loan to members upon plan of repayment provided by by-laws.
Notes non-negotiable.

Section 7. No premiums, fines, or interest on such premium that may accrue to the said association, according to the provisions of this Act, shall be deemed usurious; and the same may be collected as debts of like amount are now by law collected in this State; but no fees for non-payment of dues shall exceed five per cent. per month for the first sixty days, and two per cent. per month thereafter.

Interest shall not be usurious.
How collected.
Fees for non-payment of dues not exceed.

Section 8. No corporation organized under this Act, shall cease or expire, from neglect on the part of the corporation, to elect officers at the time mentioned in their charters or by-laws, and all officers elected by such corporation shall hold their office until their successors are duly elected and qualified.

Shall not expire from failure to elect officers.

Section 9. Any building or loan association incorporated by or under the provisions of this Act, or any one heretofore or hereafter incorporated, is hereby authorized and empowered to purchase at any Sheriff's, or other judicial sale, or at any other sale, public or private, any real estate upon which said association may have, or hold any mortgage, trust deed, judgment lien or other incumbrance, or in which said association may have an interest, and the real estate so purchased, or any other that such associa-

Purchase at public or private sale.

tion may hold, or be entitled to at the passage of this Act, to sell, convey or lease at pleasure to any person or persons whatever, and all sales of real estate heretofore made by such association, to any person or persons not members of the association so selling are hereby confirmed and made valid.

Officers compos-
ing.

Elected annu-
ally.

Number of
directors.

Quorum.

Treasurer give
bond.

Penalty for
neglect.

May designate
bank or trust
company as
treasurer.

Section 10. The business of every building and loan association created or incorporated under this Act, shall be managed and controlled by a President, a Board of Directors or Trustees, a Secretary and Treasurer, and such other officers or agents as the by-laws may provide. The Directors or Trustees shall be elected annually by the stockholders, or members at the time fixed by the by-laws; and shall hold their office until others are chosen and qualified in their stead; the manner of such choice, and of the choice or appointment of all other agents or officers shall be prescribed by the by-laws. The number of Directors or Trustees shall not be less than three nor more than thirteen, one of whom shall be chosen President by the Directors or by the members of the corporation, as the by-laws may direct; the stockholders of said corporation may, at a meeting called for that purpose, determine, fix or change the number of Directors or Trustees, not less than three, that shall thereafter govern its officers; and a majority of the whole number of such Directors or Trustees, shall be necessary to constitute a quorum. The Treasurer shall give bond in such sum and with such surety as shall be required by the by-laws, for the faithful discharge of his duties, and he shall keep the moneys of the corporation in a separate bank account to his credit as Treasurer; and if he shall neglect or refuse so to do, he shall be liable to a penalty of fifty (50) dollars for every day he shall neglect so to do, to be recovered for the benefit of any such association, at the suit of any stockholder, and shall be subject to removal from office; Provided, That such building and loan association may designate as its Treasurer some responsible bank or trust company.

Section 11. In case of the death, removal or resignation of the President, or any of the Directors, Secretary, Treasurer, or other officer of such corporation, the remaining Directors may fill the vacancy thus created until the next general election. Vacancies—how filled.

Section 12. On or before the first day of August and the first day of February in each year, every such building and loan association heretofore or hereafter organized under the laws of this State shall file with the Clerk and Recorder of the county in which the principal business of such corporation is carried on, a report of its affairs, and operations for the six months ending on the thirtieth day of June and the thirty-first day of December. Such report shall be verified, under oath, by the President and Secretary, or by three Directors of the association, and contain answers to the following questions; File semi-annual report with county clerk. Verified.

First, the amount of authorized capital and the par value of each share of stock; Second, the number of shares sold during the preceding six months; Third, the number of shares cancelled and withdrawn during the preceding six months; Fourth, the number of shares in force at the end of the preceding six months; Fifth, a detailed statement of receipts and disbursements, including an itemized statement of the expense of conducting and operating said building and loan association during the preceding six months; Sixth, a detailed statement of assets and liabilities at the end of the preceding six months, and pay to the Clerk and Recorder of the proper county a fee of fifty (50) cents, on filing such report. What report shall contain. Fees. If any officer of such association shall fail to file such report as required by this Act, or if any such report shall be delayed or withheld beyond the day when the same should be so filed, such officer of such association shall forfeit and pay the sum of ten (10) dollars for every day such report is withheld or delayed; and any stockholder of such association, or any party in interest may maintain an action in his name to recover such penalty, and the same shall be paid Failure to file, penalty.

Apply to
school fund.

into the county treasury and applied to the benefit of the School Fund. After receiving such report, the Clerk and Recorder of the proper county shall issue his certificate, stating the compliance with such provisions, and that the corporation is entitled to do business, which such certificate shall be in force for the period of six months next ensuing.

Certificate for
six months.

False entries or
reports a felony.

Section 13. Every person who shall wilfully or knowingly subscribe or cause to be made any false report, false statement or false entry in any book of any association organized for the purposes set forth in Section 1 of this Act, or exhibit false papers with the intent to deceive any person, or shall make, state or publish any false report or false statement of the financial condition of such association, shall be deemed guilty of a felony and, upon conviction thereof, shall be fined in any sum not exceeding five thousand (5,000) dollars, and be imprisoned in the State Penitentiary not less than one, nor more than five years.

Penalty.

If business con-
ducted in un-
safe manner,
creditors report
to attorney-
general.

Section 14. Whenever it shall appear to any party in interest, or to any creditor of any such association heretofore organized, or which may hereafter be organized, that such association is conducting its business in an unsafe or unauthorized manner, or is jeopardizing the interest of its members, or that it is unsafe for such association to transact business, he or they shall communicate such fact to the Attorney General of this State, whose duty it shall then become to investigate the affairs and conditions of such association, and if, upon such investigation he shall be satisfied that such association is conducting its business in an unsafe or an unauthorized manner, he shall apply to the District Court of the county where such association is located for the appointment of a Receiver to take charge of said association, and if such fact or facts be made to appear to such District Court, it shall be sufficient to authorize the ap-

Attorney-gen-
eral apply to
district court
for appointment
of receiver.

pointment of such Receiver, and the making of such orders and decrees in such cases as equity may require.

Section 15. Every corporation, company or association contemplating doing business in this State and having for a part of its title or name the words "Loan and Building Association," "Building Association," "Building and Loan Association," "Saving and Loan Association," or "Co-operative Bank," "Saving and Investment Company," and every corporation, company or association whose stock is payable by an accumulating fund in regular or stated periodical installments; and every corporation, company or association doing a business in a form and character similar to that authorized to be done by Section 1 of this Act, shall, if organized or incorporated in any State or Territory other than the State of Colorado, be known in this Act, as a foreign building and loan association.

Foreign building and loan associations.

Section 16. It shall not be lawful for any foreign building and loan association, directly or indirectly, to transact any business in this State without first filing in the office of the Secretary of State a statement sworn to by the President and Secretary of the association, which statement shall show the name and locality of the association and an itemized account of its actual financial condition, showing assets and liabilities, and receipts and disbursements for the past twelve months, including also therein an itemized statement of its expense account. Said statement shall, further, show the amount and number of shares subscribed, the number cancelled and withdrawn during the past year, the number of shares actually in force at the date of the statement and all such other information touching its affairs as the Secretary of the State may require. Such foreign building and loan association shall also file with the Secretary of State a certified copy of the laws of the State, Territory or government under which it is

Unlawful to do business without filing statement with secretary of state.

File certified copy of laws with secretary of state.

Appoint secretary of state attorney.

Authority conferred.

Fees for filing.

Statements renewed annually or more often if required.

When laws of other states may apply.

incorporated, relating to or authorizing the incorporation of such association, and also of the law of such State, Territory or Government pertaining to the regulation, government or control of building and loan associations, both foreign and domestic, and of its charter, or articles of incorporation, and of its constitution and by-laws and all amendments thereto, and shall, further, appoint the Secretary of the State as its attorney, which appointment shall be in a form of a resolution of the Directors or Board of Control of such association, and shall be duly certified under the seal of the association by its President and Secretary, and which shall authorize its said attorney, the Secretary of the State, to acknowledge services of process in behalf of such association, consenting that service of process, mean or final, upon such association, shall be taken and held as valid as if served upon the association according to the laws of this or any other State, and waiving all claim or right of error by reason of such acknowledgment of service. Said foreign association shall pay a fee for filing the papers referred to in this section as follows: Any association having a capital stock of not to exceed one million dollars, shall pay a fee of fifty dollars, and an additional fee of one-fourth of one per cent. of its authorized capital stock in excess, if any, of one million dollars, and shall hereafter pay to the Secretary of State a fee of \$25 upon filing each subsequent annual statement.

Section 17. The statements required of foreign building and loan associations shall be renewed annually in January, in the manner as required by this Act, and shall be made at such other times as the Secretary of State may require. When, however, the laws of any other State, Territory or Nation, and under which such association may be incorporated, require any taxes, fines, penalties, licenses, fees, deposits of money or securities, or other obligations or prohibitions of any associations that might be organized under the laws of this State and doing business

in such other State, Territory or Nation, or imposes the same upon its agents doing business therein, then, so long as such laws continue in force, the same obligations and prohibitions, of whatever kind, shall be imposed upon all such foreign building and loan associations of such State, Territory or Nation doing business in this State, and upon their agents here, to the extent that the same may be in excess of the requirements imposed upon such foreign associations by the provisions of this Act.

Section 18. Any person doing business or soliciting or attempting to do business in this State for any foreign building and loan association which shall not at the time have fully complied with the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding one thousand (1,000) dollars, or imprisoned in the county jail not more than thirty days, or both in the discretion of the Court.

Misdemeanor to solicit business where foreign company has not complied with requirements.

Penalty.

Section 19. Every building and loan association hereafter formed shall be organized under the provisions of this Act, and shall adopt a constitution which shall substantially give effect to the provisions of this Act; and shall also adopt such by-laws for the government and management of its business as it shall deem proper; Provided, That the same shall not be inconsistent with this Act, and shall not contravene the laws or constitution of this State, or the United States; and may alter and amend the same from time to time in such manner as may be provided by its articles of incorporation.

Constitution and by-laws must comply with.

May alter and amend.

Section 20. That an act entitled "An Act Concerning Building and Loan Associations," approved April 17, 1889, the same being Sections 279 to 283 inclusive, Mills' Annotated Statutes, and the provisions of all other acts or parts of acts in so far as the same contravene the provisions of this Act be and the same are hereby repealed.

Repeal.

Approved May 4, 1897.

CHAPTER 34.

CAPITOL MANAGERS.

(H. B. No. 59.)

AN ACT

TO REPEAL SECTION ONE OF AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE ERECTION AND COMPLETION OF A STATE CAPITOL BUILDING AT THE CITY OF DENVER, AND CREATING A BOARD OF MANAGEMENT AND SUPERVISION," APPROVED APRIL 1, 1889, THE SAME BEING SECTION THREE HUNDRED AND TWENTY-NINE OF MILLS' ANNOTATED STATUTES; AND TO ENACT OTHER PROVISIONS PERTAINING THERETO AND OTHERWISE TO ALTER AND AMEND THE LAST AFORESAID ACT.

Be it Enacted by the General Assembly of the State of Colorado:

Repeal.

Section 1. That Section 1 of an act entitled "An Act to Provide for the Erection and Completion of a State Capitol Building at the City of Denver, and Creating a Board of Management and Supervision," approved April 1, 1889 (the same being Section 329 of Mills' Annotated Statutes), is hereby repealed.

Capitol managers—duties.

Board consist of.

Governor shall be chairman and fill vacancies.

Sec. 2. That there is hereby created a Board of Capitol Managers for the purpose of supervising and directing the construction, completion and furnishing of the State Capitol building for the State of Colorado, and laying out, improving and ornamenting the grounds thereof, at the city of Denver. The said Board shall consist of five members, to-wit: The Governor of the State, John L. Routt, Otto Mears, C. J. Hughes and Job A. Cooper, and the Governor shall be Chairman of the said Board and shall have the power to fill vacancies. Said Board shall continue until the entire completion and fur-

nishing of said Capitol building, and shall announce by proper proclamation the same as accepted by and through the said Board on behalf of the State, and thereafter the said Board shall cease to exist, except for the purpose of suing or being sued in relation to matters growing out of the subject hereby committed to its charge. The said Board shall be a body corporate, under the name and style of "The Board of Capitol Managers," with the right of suing and being sued, and of having and using a corporate seal, and of altering the same at pleasure. The said Board hereby created shall be the lawful successor to "The Board of Capitol Managers," heretofore established and existing in this State, and the latter Board shall immediately upon the passage of this Act deliver to the Governor for the Board hereby created, all contracts, bonds, deeds, maps, plats, specifications, bids, instruments, memoranda, books, accounts, moneys, correspondence and papers relating to the said Board, or any matters committed to its care or charge, furniture, keys and all property, real, personal or mixed, belonging to the State of Colorado, or now in possession of said Board hereby abolished, or the Secretary or any member thereof, and all lawful contracts and obligations of the said Board shall become the contracts and obligations of the Board hereby created, immediately upon the passage of this Act. The care and control of the Capitol building and grounds shall be with the Board of Capitol Managers.

Board continue until completion of capitol.

Cease to exist.

Body corporate.

Name.

Lawful successor.

Old board deliver.

Care and control.

Sec. 3. A majority of the Board of Capitol Managers hereby created, shall constitute a quorum, and be empowered to act in all matters pertaining to the duties of the said Board. No member of the said Board shall be entitled to any salary or compensation, except for actual expenses incurred under the direction of the Board and the same shall be audited and allowed by the said Board before the State Auditor shall be authorized to issue a warrant for the

Quorum.

Serve without compensation except.

Board audit.

Appoint secretary.

Compensation.

Superintendent.

Compensation.

Powers and authority.

Repeal.

Emergency.

same. The said Board of Capitol Managers shall have authority to appoint a Secretary, and to remove him at pleasure, and to allow him such compensation as they shall deem reasonable and just for the service rendered. The new Board shall also have full power to appoint or employ and discharge at their discretion, a Superintendent and all other employees whose duties shall be prescribed by the said Board and such other artisans and laborers that may be required in the prosecution of the work of completing and maintaining the building and grounds of said Capitol, and shall allow such compensation as they shall deem reasonable and just. All salaries and expenses herein provided for shall be paid out of the Capitol Building Fund.

Sec. 4. The said Capitol Board shall have and exercise all the powers and authority, and be subject to all restrictions now provided by law upon the Board of Capitol Commissioners, hereby abolished, save as otherwise herein provided and as in conflict with the provisions of this Act.

Sec. 5. All acts and parts of acts in conflict with this Act are hereby repealed.

Sec. 6. An emergency exists in the opinion of the General Assembly; wherefore, this Act shall be in force from and after its passage.

Approved April 12, 1897.

CHAPTER 35.

CAPITAL PUNISHMENT—ABOLISHMENT.

(H. B. No. 74)

AN ACT

TO ABOLISH CAPITAL PUNISHMENT, AND TO SUBSTITUTE LIFE IMPRISONMENT THEREFOR AS THE PENALTY FOR MURDER IN THE FIRST DEGREE, AND TO REPEAL AN ACT ENTITLED "AN ACT RELATIVE TO THE TIME, PLACE AND MANNER OF INFLICTION OF THE DEATH PENALTY, AND TO PROVIDE MEANS FOR THE INFLICTION OF SUCH PENALTY, AND MAKING IT A MISDEMEANOR PUNISHABLE BY FINE OR IMPRISONMENT TO DISCLOSE OR PUBLISH PROCEEDINGS IN RELATION THERETO," APPROVED APRIL 19, 1889, AND TO REPEAL GENERAL SECTIONS 729 AND 730 OF THE GENERAL STATUTES OF THE STATE OF COLORADO. THE SAID REPEALED SECTIONS BEING SECTIONS 1196 TO 1204, INCLUSIVE, IN MILLS' ANNOTATED STATUTES, AND TO REPEAL ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

Be it Enacted by the General Assembly of the State of Colorado.

Section 1. That capital punishment is hereby abolished in this State; and hereafter every person convicted of murder in the first degree shall suffer imprisonment for life at hard labor in the Penitentiary.

Abolishment.

Imprisonment
for life.

Sec. 2. An act entitled "An Act Relative to the Time, Place and Manner of Infliction of the Death Penalty, and to Provide Means for the Infliction of Such Penalty, and Making it a Misdemeanor Punishable by Fine or Imprisonment to Disclose or Publish Proceedings in Relation Thereto" approved April 19, 1889, (the same being Sections 1197 to 1203, both inclusive, of Mills' Annotated Statutes), also General

Repeal.

Proviso.

Not affect cases
pending before
act in effect.

Sections 729 and 730 of the General Statutes of the State of Colorado, (the same being Sections 1196 to 1204 both inclusive in Mills' Annotated Statutes) and all other acts and parts of acts in conflict with this Act are hereby repealed; Provided, however, that nothing in this Act shall be held to apply to or in any manner affect any indictment, information, arraignment, trial, conviction, judgment or sentence, or any writ of error or appeal or other proceeding, in cases of murder now pending in the District Court, or Supreme Court or Court of Appeals in this State; but the same shall be held and conducted and adjudged as provided by the law in force before this Act shall take effect. Any murder which shall have been committed before this Act takes effect shall be inquired of, prosecuted and punished in accordance with the law in force at the time such murder was committed.

Approved March 29, 1897.

CHAPTER 36.

CASUAL DEFICIENCY BONDS—PAYMENT OF INTEREST.

(S. B. No. 468.)

AN ACT

TO AUTHORIZE THE STATE TREASURER TO PAY THE INTEREST ON THE CASUAL DEFICIENCY AND INSURRECTION BONDS OUT OF THE INTEREST ON DEPOSIT FUND.

Be it Enacted by the General Assembly of the State of Colorado:

Payment of
interest.

Section 1. The State Treasurer is hereby authorized and directed to pay the interest for the year 1897 and subsequent year on the "Casual Deficiency Bonds" and the "Insurrection Bonds" of the years

1895 and 1896, out of any moneys in the treasury to the credit of the "Interest on Deposit Fund" when such interest shall become due.

Section 2. In the opinion of the General Assembly an emergency exists, therefore this Act shall take effect and be in force from and after its passage.

Approved March 26, 1897.

CHAPTER 37.

COAL MINES—CHECK WEIGHMAN.

(H. B. No. 282.)

AN ACT

TO PROVIDE FOR THE EMPLOYMENT OF A CHECK WEIGHMAN IN THE COAL MINES OF THE STATE OF COLORADO, TO DEFINE HIS DUTIES AND TO PROVIDE A PENALTY FOR INTERFERING THEREWITH.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That hereafter in all coal mines in this State, operated by individuals or corporations, whether as owners or lessees and working twenty or more miners under-ground, there may be employed a Check Weighman, who shall be selected by the miners employed in said mine and whose wages shall be paid by the miners therein employed.

Mines employ-
ing 20 or more
may engage
check weigh-
man.

Selected and
paid by
employees.

Sec. 2. The duties of such Check Weighman shall be to see that all coal, mined in the coal mine at which he is employed, is accurately weighed and for that purpose every such aforesaid owner or lessee shall give to such Weighman, free access to all scales and weights used for that purpose and to all books wherein the weights of coal mined by the miners of said mines are recorded.

Duties.

Misdemeanor if
refuse to allow.

Sec. 3. Any mine owner, operator, manager, superintendent or lessee operating any coal mine in this State who shall refuse to allow any such Check Weighman to be so employed or shall refuse such Check Weighman access to such aforesaid scales, weights or books, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in the sum of not less than \$25.00 nor more than \$500.00.

Penalty.

Approved March 31, 1897.

CHAPTER 38.

COCAINE.

(H. B. No. 171.)

AN ACT

TO PROHIBIT DRUGGISTS, DRUG CLERKS AND PROPRIETORS OF DRUG STORES FROM SELLING COCAINE WITHOUT A PRESCRIPTION FROM A SURGEON OR PHYSICIAN.

Be it Enacted by the General Assembly of the State of Colorado:

Unlawful to sell
or give without
prescription.

Section 1. That it shall be unlawful for any druggist, druggist's clerk or proprietor of any drug store to sell or give to any person cocaine-nitrate, cocaine-borate, cocaine-lactate, cocaine-phenate or carbonate, cocaine-saccharate or cocaine or any of its salts or compounds without a written prescription from some licensed surgeon or physician; Provided, this Act shall not apply to the sale of cocaine or any of its salts or compounds to any person actually engaged in the drug business or to any licensed practitioner of dentistry.

Proviso.

Penalty.

Sec. 2. Any person or persons violating any of the provisions of this Act shall be subject to a fine of not less than five nor more than three hundred dollars for each offense.

Approved March 31, 1897.

CHAPTER 39.

CODE OF PROCEDURE—APPEALS AND WRITS OF ERROR.

(S. B. No. 325.)

AN ACT

IN RELATION TO APPEALS AND WRITS OF ERROR AMENDING SECTION 395 OF AN ACT ENTITLED "AN ACT FOR AN ACT TO PROVIDE A CODE OF PROCEDURE IN CIVIL ACTIONS FOR COURTS OF RECORD IN THE STATE OF COLORADO, AND TO REPEAL ALL ACTS INCONSISTENT THEREWITH," APPROVED, APRIL 7, 1887, THE SAME BEING SECTION 395 OF MILLS' ANNOTATED CODE.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That Section 395 of an act entitled "An Act for an Act to Provide a Code of Procedure in Civil Actions for Courts of Record in the State of Colorado, and to Repeal All Acts Inconsistent Therewith," approved April 7, 1887, the same being Section 395 of Mills' Annotated Code, be and the same is hereby amended to read as follows:

Section. 395. The trial Court or Judge or the Justices of the Supreme Court or Court of Appeals may, in his or their discretion, dispense with or limit the security required by this Act, when the appellant is an executor, administrator, trustee, or other person acting in another's right. The State, counties, cities, towns, school districts and all other municipal corporations, and the corporations of all charitable, educational, penal or reformatory institutions under the patronage and control of the State, and all public officers, when suing or defending in their official capacities, for the benefit of the public shall, in all cases of appeal or writ of error by them from any inferior Court may dispense with or limit security, when. State and municipal corporations and public officials may appeal without bond.

Courts in vacation may grant writs of supersedeas.

court to any higher court prosecute the same, without giving bond; and the Supreme Court or Court of Appeals, or the Judges thereof, in vacation, may grant writs of supersedeas on any writ of error or appeal, when prosecuted by the State, counties, cities, towns, school districts or any of said corporations or public officers, without requiring any bond or undertaking to be given as required by law in other cases.

Emergency.

Section 2. In the opinion of the General Assembly an emergency exists, therefore, this Act shall take effect and be in force from and after its passage.

Approved April 17, 1897.

CHAPTER 40.

COUNTY COMMISSIONERS.

(S. B. No. 31.)

AN ACT

AUTHORIZING BOARDS OF COUNTY COMMISSIONERS TO REDUCE THE NUMBER OF JUSTICES OF THE PEACE AND CONSTABLES IN PRECINCTS HAVING MORE THAN TWO OF EACH.

Be it Enacted by the General Assembly of the State of Colorado:

Board of commissioners.

Section 1. That the Board of County Commissioners of any county in which the number of Justices or Constables has been, or may hereafter be, increased under the provisions of "An Act Providing for Increasing the Number of Justices and Constables in Justice Precincts of More than Twenty Thousand Inhabitants" approved April 13th, 1891, may, if a majority of such Board shall at any time be satisfied that the number of Justices or Constables is greater than the needs of the precinct require, enter their find-

May reduce number of justices and constables.

ing and decision to that effect in the records of such Board, and thereupon the number of Justices or Constables shall be reduced, according to the number so found to be unnecessary, but shall not be reduced to less than two Justices and two Constables for each precinct. Such reduction shall not take effect so as to abridge the then existing term of any such officer: and thereafter only such number of Justices and Constables shall be elected or appointed as shall be necessary to make up the number to which such reduction has been made.

Not less than
two of each in
precinct.

Not abridge
existing term.

All books, records, papers and public property in the hands of any Justice or Constable whose office may be abolished under the provisions hereof, shall be turned over to any other Justice or Constable of said precinct, and the latter may proceed thereon as successor in office.

Books and
records to
successor.

Approved April 8, 1897.

CHAPTER 41.

COUNTY GOVERNMENT—BOUNTY.

(H. B. No. 451.)

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE DESTRUCTION OF WOLVES, COYOTES AND MOUNTAIN LIONS, AND PROVIDING A PREMIUM THEREFOR, AND MAKING AN APPROPRIATION TO PAY THE SAME, AND TO REPEAL ALL ACTS, AND PARTS OF ACTS IN CONFLICT HEREWITH," APPROVED APRIL 8, 1893, BY ADDING SECTION 9 THERETO.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That an act entitled "An Act to Provide for the Destruction of Wolves, Coyotes and Mountain Lions, and Providing a Premium Therefor,

and Making an Appropriation to Pay the Same, and to Repeal all Acts and Parts of Acts in Conflict Herewith; approved April 8, 1893, be amended by adding thereto Section 9, as follows:

Petition of 50
freeholders.

Commissioners
may levy tax
of four mills.

Additional
bounty.
Sum designated
by commission-
ers.

County treas-
urer collect tax.

Pay out on
proof.

Section 9. That upon the presentation of a petition, signed by fifty freeholders of any county who shall have paid a property tax in said county for the year immediately preceding the date of said petition, to the Board of County Commissioners of said county, the said Board may levy upon the taxable property in said county, not more than four mills, for the purpose of paying to any person who shall kill any one, or more, of the animals named in Section 1 of this Act, an additional bounty as follows: For each wolf, coyote, or mountain lion, such sum as shall be designated by the County Commissioners of the county. It shall be the duty of the County Treasurer to collect the tax so levied, and to place the same in a separate fund to be used for the purposes aforesaid, and he shall pay out for said purposes said tax so collected to the person or persons so killing said animals, only upon the proofs and in the manner as provided by law for the payment of the State bounty.

Approved May 5, 1897.

CHAPTER 42.

COUNTY GOVERNMENT—DEPUTIES.

(H. B. No. 148.)

AN ACT

TO AMEND SECTION 17 OF AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE PAYMENT OF SALARIES OF CERTAIN OFFICERS, TO PROVIDE FOR DISPOSITION OF CERTAIN FEES, AND TO REPEAL ALL ACTS INCONSISTENT THEREWITH" APPROVED APRIL 6, 1891.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That Section 17 of said act shall be amended so as to read as follows:

Sec. 17 Deputies and assistants may be employed by the Sheriffs, County Clerks, County Treasurers, County Assessors and County Superintendents of Schools, under the direction of the Board of County Commissioners for said counties respectively, and shall be paid salaries out of the fees, commissions and emoluments of the office wherein they are employed, (except employees of County Assessor and of County Superintendent, who shall be paid out of the County Treasury), to be fixed by the Board, the selection of said Deputies and employees to be made by the officer authorized to employ them; Provided, That the provisions of this section relating to the County Superintendents of Schools shall apply only in counties of the first class.

May be employed under direction of county commissioners.

Salaries—how paid.

By whom selected.

Proviso.

Sec. 2—All acts and parts of acts inconsistent with the provisions of this Act are hereby repealed.

Repeal.

Sec. 3. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Emergency.

Approved April 8, 1897.

CHAPTER 43.

DENTISTRY.

(S. B. No. 24.)

AN ACT

TO REGULATE THE PRACTICE OF DENTISTRY AND DENTAL SURGERY IN THE STATE OF COLORADO, AND TO REPEAL "AN ACT TO SECURE THE EFFICIENCY OF PRACTITIONERS OF DENTAL SURGERY, AND TO REGULATE THE PRACTICE OF DENTISTRY IN THE STATE OF COLORADO," APPROVED MARCH 15, 1889. AS AMENDED, APPROVED APRIL 1, 1891, AND ALL ACTS IN CONFLICT HEREWITH.

Be it Enacted by the General Assembly of the State of Colorado:

Unlawful to
practice with-
out license
except.

Proviso.

State board.

Consist of five.

How chosen.

Governor ap-
point.

Term of office.

Section 1. It shall be unlawful for any person to practice dentistry or dental surgery in the State of Colorado, unless he or she shall first have obtained a license for such purpose as provided for in this Act. Provided, that nothing in this Act shall be construed to prohibit any one from extracting teeth.

Section 2. A State Board of Dental Examiners shall be and is hereby created, whose duty it shall be to enforce and execute the provisions of this Act. The said Board shall consist of five (5) members, practitioners of dentistry of acknowledged ability in the State of Colorado, three of whom shall be chosen from a list recommended by the State Dental Association of Colorado, and appointed by the Governor, by and with the advice and consent of the Senate. The term for which the members of said Board shall be appointed shall be for two (2) years, or until the appointment of their successors. The Governor shall fill all vacancies from whatever cause, and may remove any member for neglect of duty or for cause.

Before entering upon the duty of his office each member shall subscribe an oath that he will support the Constitution of the United States and the Constitution of the State of Colorado, and that he will faithfully perform the duties of the office to the best of his ability.

Section 3. Said Board shall choose from its members a President, Secretary and Treasurer thereof, and shall meet at Denver, at least twice in each year in regular session on the first 'Tuesdays' of June and December, and as much oftener and at such times and places as may be required. The first meeting of said Board shall be held within sixty days after the time this Act shall go into force and effect, at the Capitol of the State. A majority of said Board shall at all times constitute a quorum, but a less number may adjourn from time to time, and the proceedings thereof shall at all reasonable times be open to public inspection.

Oath.
Organization.
Meet semi-annually.
First meeting.
Quorum.

Section 4. Any person desiring to practice dentistry in this State shall first submit to an examination before the State Board of Dental Examiners of this State, touching his or her qualifications, and every applicant for such examination shall, with his or her application for examination submit to the said Board, as a prerequisite of such examination, a diploma of graduation of some reputable dental college, dental school, or university dental department, duly authenticated by the laws of this State or some other of the United States.

Examination of applicants to practice.
Qualifications.

Section 5. Any and all persons possessing the diploma prescribed by Section 4 of this Act, and upon deposit of the examination fee, shall be examined by said Board, at such times and under rules as said Board may prescribe, not inconsistent with this Act, upon the science and practice of dentistry and dental surgery, and all who are found qualified shall be registered in a record book and shall receive a license

If found qualified, registered and licensed.

from the said Board to practice dentistry in this State, in accordance with the provisions of this Act.

Examination
fee.

Secretary keep
record.

Prima facie
evidence before
courts.

Violation a mis-
demeanor.

Penalty.

Shall not create
indebtedness in
behalf of state.

Board serve
without com-
pensation.

Disposition of
moneys re-
ceived.

Section 6. The examination fee in all cases shall be ten dollars (\$10.00) to be paid to the Secretary of the said Board before such examination is had, and in no case shall it be refunded. Said Board by its Secretary shall keep a record book in which shall be recorded the names and addresses of all persons so examined, and date and result of such examination, names and dates of all applications, and such other matters as shall afford a full record of the same, which book with such records or transcripts therefrom duly certified by the President and Secretary of said Board, with the common seal of the Board attached, shall be *prima facie* evidence before all the courts of this State of the entries therein contained. The said Board shall make and prescribe all reasonable rules for its government and for the conduct of its business.

Section 7. Any person who shall violate any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and shall be liable to prosecution before any court of competent jurisdiction, upon information [information] or by indictment, and upon conviction shall be punished by a fine in a sum of not less than one hundred dollars (\$100.00) or more than three hundred dollars (\$300.00). Each day that this Act is violated shall be considered a separate offense.

Section 8. The said State Board of Dental Examiners shall not have the right to create any indebtedness on behalf of the State of Colorado. No compensation shall be paid to any member of the Board for his services. All moneys received from examination fees or otherwise, shall be deposited in some bank at the Capital in the name of the State Board of Dental Examiners, and shall only be drawn out upon vouchers signed by the President and countersigned by the Secretary. Such moneys shall only be applied to the payment of the necessary expenses of the Board and

such expenses as may be necessary to carry out and execute the provisions of this Act, including the actual traveling expenses of the members in attending the meetings of the Board. Any money on hand at the dissolution of the Board or the repeal of this Act shall be paid into the State treasury to the credit of the Common School Fund. The said Board shall make a bi-ennial [biennial] report of its proceedings to the Governor on or before the 15th day of December of the year immediately preceeding [preceding] the next ensuing session of the Legislature, together with an account of all moneys received and disbursed by them, pursuant to this Act. Biennial report.

Section 9. The provisions of this Act shall not apply to any person who may have procured a license to practice dentistry from the State Board of Examiners of this State, in conformity to the laws now in force and prior to the taking effect of this Act. Not apply to licenses prior to this act.

Section 10. That "An Act to Insure the Efficiency of Practitioners of Dental Surgery and to Regulate the Practice of Dentistry in the State of Colorado," approved March 15, 1889, an [and] the act amending said act, approved April 1. 1891, and all acts in conflict with this Act are hereby repealed. Repeal.

Approved April 17, 1897.

CHAPTER 44.

DENVER—ANNEXATION.

(S. B. No. 10.)

AN ACT

TO AMEND SECTION 3, ARTICLE I. OF AN ACT ENTITLED
 "AN ACT TO REVISE AND AMEND THE CHARTER OF THE
 CITY OF DENVER." APPROVED APRIL 3RD 1893.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That Section 3 of Article I of an act entitled "An Act to Revise and Amend the Charter of the City of Denver," approved April 3rd 1893, is hereby so amended as to read as follows; namely:

Annexed territory becomes property of Denver.

Indebtedness paid by general taxation.

Public improvements based upon assessed valuation.

Water and light service not be curtailed.

Proviso.

Not become common indebtedness.

"Section 3. Whenever in pursuance of any act of this State the territory included within any such town or city shall become part of the city of Denver, then all the property of such town or city and of the city of Denver shall become the property of the city of Denver, including said territory; and all indebtedness of such town or city and of the city of Denver, shall be paid by general taxation upon all property of the city of Denver, including said territory:

And at least a proportionate share of the moneys of the city, including said territory, available for water and light service and for public improvements, shall be expended within the territory of such town or city, based upon the assessed valuation of each; and the water and light service of any such town or city shall not be curtailed: Provided, that as to any such town or city annexed to the city of Denver, after the passage of this amendment the indebtedness of such town or city or the city of Denver shall not become a common indebtedness, but shall be paid by

general taxation upon all the taxable property previously included within the territory in the town or city in and by which the indebtedness was created."

Section 2. Whereas in the opinion of the General Assembly an emergency exists: therefore this Act shall take effect and be in force from and after its passage. Emergency.

Approved February 18, 1897.

CHAPTER 45.

DENVER—SPECIAL ASSESSMENTS.

(S. B. No. 8.)

AN ACT

TO AMEND SECTIONS THIRTY-FOUR (34) AND THIRTY-FIVE (35) OF ARTICLE SEVEN (VII) OF AN ACT ENTITLED "AN ACT TO REVISE AND AMEND THE CHARTER OF THE CITY OF DENVER," APPROVED APRIL 3RD. 1893.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That Sections Thirty four (34) and Thirty five (35) of Article Seven (VII) of an act entitled "An Act to Revise and Amend the Charter of the City of Denver," approved April 3rd. 1893, are hereby so amended as to read as follows:

Section 34. All special assessments for local improvements shall be due and payable within thirty days of the publication of the assessing ordinance without demand: Provided, That all such assessments may, at the election of the owners, be paid in installments with interest as hereinafter provided. Failure to pay the whole assessment within said period of thirty days shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay in such installments. All persons so

Special assessments—when due and payable.

May be paid in installments.

Failure to pay whole assessment within 30 days.

Held as consenting to improvements.

Waiver of right to question.

Installments—how paid.

Paving.

Viaducts and tunnels.

Interest.

Board of public works determine.

Apply without prejudice to former proceedings.

Emergency.

electing to pay in installments shall be conclusively considered and held as consenting to said improvements, and such election shall be conclusively held and considered as a waiver of any and all right to question the power or jurisdiction of the city to construct the improvements, the quality of the work, the regularity or sufficiency of the proceedings, or the validity or correctness of the assessment.

Section 35. In case of such election to pay in installments, the assessments, except for paving, and for viaducts and tunnels, shall be payable in not less than two nor more than five equal annual installments of principal; the assessments for paving shall be payable in not more than ten equal annual installments of principal; and the assessments for viaducts and tunnels shall be payable in not less than five nor more than ten equal annual installments of principal, the first of which last mentioned installments shall be payable in not less than five and the last in not more than twenty years; with interest in all cases on the unpaid principal, payable annually at a rate not exceeding six per cent. per annum; as the number of installments, the period of payment, and the rate of interest may be determined by the Board of Public Works. The provisions of this Act shall also apply and shall be without prejudice [prejudice] to any and all proceedings heretofore commenced and in which contracts shall hereafter be let, for the construction of local improvements.

Section 2. Whereas, in the opinion of the General Assembly, an emergency exists, therefore this Act shall take effect and be in force from and after its passage.

Approved February 11, 1897.

CHAPTER 46.

DISTRICT AND COUNTY COURTS—ADJOURNMENT BY WRITTEN ORDER.

(S. B. No. 108.)

AN ACT

TO AUTHORIZE JUDGES OF DISTRICT AND COUNTY COURTS
TO ADJOURN THE SAME BY WRITTEN ORDER.*Be it Enacted by the General Assembly of the State of Colorado:*

Section 1. Whenever in the opinion of the Judge of any District or County Court it shall be unnecessary or inadvisable to hold or convene any term of Court fixed by statute, he may by an order in writing signed by him, and filed with the Clerk of such Court, adjourn the same sine die, or to a day certain and the Judges of said Courts respectively shall have power to adjourn said Courts, from time to time as may seem advisable, by written order signed and filed with the Clerk of the Court which may be so adjourned.

May adjourn by written order.
File with clerk.
Sine die or to a fixed day.

Approved April 13, 1897

CHAPTER 47.

DISTRICT COURTS—BAILIFFS.

(S. B. No. 148.)

AN ACT

TO PROVIDE FOR THE APPOINTMENT OF BAILIFFS FOR THE DISISTRICT [DISTRICT] COURTS; DEFINING THE POWERS AND DUTIES OF SUCH BAILIFFS; FIXING THEIR COMPENSATION AND TO REPEAL ALL ACTS OR PARTS OF ACTS IN CONFLICT WITH THIS ACT.

Be it Enacted by the General Assembly of the State of Colorado:

Bailiffs—judge
appoint.

Section 1. One or more Bailiffs may be appointed by each Judge of the several juducial [judicial] districts. Such Bailiffs shall act during the pleasure of the Judge appointing them.

Where more
than one division.

Section 2. In any judicial district where there is more than one division of the District Court each Judge of a division may appoint a Bailiff or Bailiffs as provided by this Act.

Duties of
bailiffs.

Section 3. It shall be the duty of every such Bailiff to preserve order in the Court or the division to which he may be appointed; to attend upon the jury; to open and close the Court and to perform such other duties as may be required of him by the Judge of the Court. He shall receive as compensation for his services \$2.50 per diem for each and every day's attendance upon the Court. He shall present a bill for his services to the County Commissioners, duly sworn to as correct by himself and duly certified to by the Judge. Such bills shall be ordered by the County Commissioners to be paid out of the fund

Compensation.

Certified bill to
county commis-
sioners.

appropriated for the expenses of the District Court of the particular county where the services may be rendered.

Section 4. All acts and parts of acts in conflict with this Act are hereby repealed and no compensation, other than as mentioned in this Act shall be allowed any officer for similar attendance upon the Court. Repeal.
No additional
compensation.

Approved April 8, 1897.

CHAPTER 48.

DISTRICT COURTS—SEVENTH JUDICIAL DISTRICT.

(S. B. No. 98.)

AN ACT

TO AMEND SECTION EIGHT (8) OF AN ACT ENTITLED "AN ACT TO ESTABLISH THE SEVERAL JUDICIAL DISTRICTS OF THE STATE TO PROVIDE FOR THE APPOINTMENT OF JUDGES AND FIX THE TERMS OF COURT THEREIN, AND TO REPEAL ALL ACTS AND PARTS OF ACTS INCONSISTENT THEREWITH," PASSED OVER THE GOVERNOR'S VETO APRIL 6, 1891.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That section Eight (8) of an act entitled "An Act to Establish the Several Judicial Districts of the State to Provide for the Appointment of Judges and Fix the Terms of Court Therein, and to Repeal All Acts and Parts of Acts Inconsistent Therewith," passed over the Governor's veto April 6, 1891, be, and the same is hereby amended so as to read as follows:

Section 8. The following counties shall constitute the Seventh Judicial District, to wit: Delta, Mesa, Montrose, Gunnison, Ouray, San Miguel and Hins- Seventh judicial district—
counties constituting.

Terms of court. dale. Terms of the District Court shall be held in said district commencing on the days following, in each and every year: In the county of Delta on the second Tuesday in February, and on the first Tuesday in September; in the county of Mesa on the first Tuesday in March, and on the first Tuesday in October; in the county of Montrose on the fourth Tuesday in March, and on the fourth Tuesday in October; in the county of Gunnison on the third Tuesday in April, and on the third Tuesday in September; in the county of Ouray on the second Tuesday in May and on the second Tuesday in November; in the county of San Miguel on the fourth Tuesday in November, and on the fourth Tuesday in May; in the county of Hinsdale, on the third Tuesday in June.

Repeal. Section 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved April 16, 1897.

CHAPTER 49.

ELECTIONS—CERTIFICATES OF NOMINATION.

(S. B. No. 5.)

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT IN RELATION TO ELECTIONS, DEFINING OFFENSES AGAINST THE SAME, AND PRESCRIBING PUNISHMENT THEREFOR."

Be it Enacted by the General Assembly of the State of Colorado:

That Section 13 of an act entitled "An Act in Relation to Elections, Defining Offenses Against the Same, and Prescribing Punishment Therefor," approved March 26th, 1891, be, and the same is hereby amended so as to read as follows:

Section 13. All certificates of nomination which are in apparent conformity with the provisions of this Act, shall be deemed to be valid, unless objection thereto shall be duly made, in writing, within three (3) days after the filing of the same. In case such objection is made, notice thereof shall be forthwith mailed to all candidates who may be affected thereby, addressed to them at their respective post office addresses, if any, or places of residence as given in the certificate of nomination. The officer with whom the original certificate is filed shall pass upon the validity of all objections, whether of form or substance, and his decision upon matters of form shall be final. His decisions upon matters of substance shall be open to review, if prompt application be made, as provided in Section 20 of this Act. But the remedy in all cases shall be summary, and the decision of any Court having jurisdiction shall be final, and not subject to review by any other Court, except that the Supreme Court may, in the exercise of its discretion, review any such judicial proceeding in a summary way; and provided that said ministerial officers shall decide such objections within at least forty eight hours after the same are filed, and any objection sustained may be remedied or defect cured upon the original certificate, or by an amendment thereto, or by filing a new certificate within three days after such objection is sustained.

Valid unless objection made within three days after filing.

Notice mailed to candidates.

Officer with whom certificate filed pass upon objections.

Decisions open to review in matters of substance.

Decision of court final except.

Supreme court may review.

Officer decide objections within 48 hours.

Approved April 14, 1897.

CHAPTER 50.

EMPLOYES—COERCION.

(H. B. No. 24.)

AN ACT

TO PROTECT EMPLOYES AND GUARANTEE THEIR RIGHT TO BELONG TO LAWFUL LABOR ORGANIZATIONS, UNIONS, SOCIETIES OR POLITICAL PARTIES; AND TO PROVIDE A PENALTY FOR VIOLATION THEREOF.

Be it Enacted by the General Assembly of the State of Colorado:

Unlawful to
interfere with
or coerce.

Section 1. That it shall be unlawful for any individual, company or corporation or any member of any firm, or agent, officer or employe of any company or corporation, to prevent employes from forming, joining or belonging to any lawful labor organization, union, society or political party, or to coerce or attempt to coerce employes by discharging or threatening to discharge them from their employ or the employ of any firm, company or corporation, because of their connection with such lawful labor organization, union, society or political party.

Misdemeanor.

Penalty.

Sec. 2. Any person or any member of any firm, or agent, officer or employe of any such company or corporation, violating the provisions of Section One of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred dollars nor more than five hundred dollars or imprisoned for a period not less than six months nor more than one year, or both, in the discretion of the Court.

Approved March 18, 1897.

CHAPTER 51.

FEES—CORPORATIONS.

(S. B. No. 221.)

AN ACT

CONCERNING CORPORATIONS.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. Every corporation, joint-stock company or association incorporated by or under any general or special law of this State, or by or under any general or special law of any foreign State or Kingdom, or of any State or Territory of the United States beyond the limits of this State, having capital stock divided into shares, shall pay to the Secretary of State for the use of the State, a fee of ten dollars, in case the capital stock which said corporation, joint-stock company or association, is authorized to have, does not exceed fifty thousand dollars; but, in case the capital stock thereof is in excess of fifty thousand dollars, the Secretary of State shall collect the further sum of fifteen cents on each and every thousand dollars of such excess, and a like fee of fifteen cents on each thousand of the amount of each subsequent increase of stock. The said fee shall be due and payable upon the filing of certificate of incorporation, articles of association, or charter of said incorporation, joint-stock company or association, in the office of the Secretary of State; and no such corporation, joint-stock company or association shall have or exercise any corporate powers or be permitted to do any business in this State until the said fee shall have been paid, and the Secretary of State shall not file any certificate of incorporation.

Not apply to corporations not for pecuniary profit.

Foreign corporations.

Increase of capital stock.

Liable for fees.

Secretary bring action to recover.

Writ of quo warranto shall lie against.

Shall not file papers nor issue certificates if incorporation not filed.

Repeal.

Emergency.

articles of association, charter or certificate of the increase of capital stock, or certify or give any certificate to any such corporation, joint-stock company or association, until said fee shall have been paid to him. But this Act shall not apply to corporations not for pecuniary profit, or corporations organized for religious, educational or benevolent purposes.

Section 2. Any foreign corporation doing business in this State, that has, since the filing of its certificate in this State, increased its capital stock, without paying the fees prescribed by the law of this State at the time of such increase, or that shall hereafter increase its capital stock, shall be liable to pay the fees prescribed by this Act, and it is hereby made the duty of the Secretary of State to at once cause action to be brought against any foreign corporation for recovery of such fees, and a certified copy of the certificate of such increase, on file in any foreign State, shall be sufficient evidence to sustain a judgment for the amount of such fees, and an action in the nature of a writ of quo warranto shall lie against any foreign corporation to test its right to exercise corporate franchises in this State.

Section 3. The Secretary of State shall not file or record in his office any certificate of paid up stock, certificate of impression of corporate seal or other paper of any corporation or association, nor issue any certificate to any corporation or association unless the articles of incorporation of said company are already on file in his office, nor unless all fees prescribed by this Act shall have been paid.

Section 4. All acts and parts of acts inconsistent with this Act are hereby repealed.

Section 5. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved April 13, 1897.

CHAPTER 52.

FEES—COUNTY TREASURERS.

(S. B. No. 304.)

AN ACT

TO AMEND SECTION 6 OF AN ACT ENTITLED, "AN ACT CONCERNING FEES, PROVIDING PENALTIES FOR VIOLATION OF THIS ACT, AND TO REPEAL ALL ACTS AND PARTS OF ACTS IN CONFLICT WITH THE SAME," APPROVED [APPROVED] APRIL 6, 1891.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That Section 6 of said Act be and is hereby amended so as to read as follows:—

Section 6. The County Treasurer shall charge and receive the following fees and commissions:

Upon all moneys received by him for town and city taxes, whether such towns or cities be incorporated under the general laws or by special charter, and anything in said charter to the contrary notwithstanding, and upon all school taxes in counties of the first class, one per cent.; in counties of the second class, one per cent.; in counties of every other class, one per cent. on school taxes, and two per cent. on town and city taxes. Upon all moneys received by him for taxes of every other kind in counties of the first class, one per cent.; second class, one and one-half per cent.; third class, two per cent.; fourth class, three per cent.; fifth class, five per cent. For receiving all moneys other than taxes in counties of every class one per cent. For each certificate of purchase, in counties of every class, twenty-five cents; for each tract therein described in counties of every

Commissions upon moneys received for town, city and school taxes.

Upon all other moneys received for taxes.

Upon all moneys other than taxes.

Certificates of
purchase and
redemption.

Treasurer's
deed.

Emergency.

class, five cents. For each certificate of redemption in counties of every class, twenty-five cents; for each tract therein described in counties of every class, five cents. For making Treasurer's deed in counties of every class, one dollar, if such deed contains one description, and for every subsequent description five cents.

Section 2. In the opinion of the General Assembly an emergency exists; therefore, this Act shall be in force from and after its passage.

Approved April 10, 1897.

CHAPTER 53.

FUNDING—CREATING ADDITIONAL BONDED INDEBTEDNESS.

(S. B. No. 281.)

AN ACT

TO PROVIDE FOR THE FUNDING OF TWO HUNDRED AND TWENTY-FIVE THOUSAND (225,000) DOLLARS OF THE INDEBTEDNESS OF THE STATE OF COLORADO, TO MEET EXPENSES INCURRED IN SUPPRESSING INSURRECTION DURING THE YEARS 1896 AND 1897, AND APPROPRIATING MONEY OUT OF THE GENERAL REVENUE FUND TO PAY THE FIRST YEAR'S INTEREST ON SAME BY THE ISSUANCE OF REGISTERED COUPON FUNDING BONDS.

Suppress insur-
rection.

Whereas, during the years 1896 and 1897 the Governor did call out the National Guard of the State for the purpose of suppressing insurrection and defending the State, thereby causing large expenditures, and increased indebtedness, with no fund or revenue to meet the same; therefore,

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. The Governor, the Treasurer and the Secretary of State of Colorado, are hereby au-

thorized to issue the registered coupon funding bonds of the State of Colorado, in the sum not exceeding two hundred and twenty-five thousand (225,000) dollars, or so much thereof as may be necessary as hereinafter set forth in exchange for the indebtedness incurred during the years 1896 and 1897 in suppressing insurrection and protecting the State; the said bonds to be issued in the denomination of one thousand dollars (\$1,000) each, and be numbered from one to two hundred and twenty-five both inclusive; said bonds shall bear interest at a rate to be determined by the Governor, not to exceed four per cent. per annum, the interest to be evidenced by coupons attached to said bonds, payable semi-annually at the office of the State Treasurer, at the City of Denver, Colorado, or at such banking house in the city of New York as the Governor may designate. The principal of said bonds shall be due and payable in twenty-five years from the date of their issue, and said bonds shall be payable in 15 years from the date of their issue at the option of the State of Colorado; and said option may be exercised by giving ninety days' notice published in a newspaper of general circulation in the city of Denver, Colorado, and by personal notice to the holder or holders of said bonds sought to be paid, if known, which notice shall be made and given by registered letter directed to the post-office address of owner or holder of said bonds, all of said bonds being payable at the office of the State Treasurer of Colorado. Said bonds shall be registered in the office of the Auditor of State, and his certificate of such registry, attested by the seal of his office, affixed to each bond, shall be evidence of their legal issue.

Section 2. The bonds issued under this Act shall be known as "Registered Coupon Funding Bonds, Series 1897," and shall be signed by the Governor, countersigned by the State Treasurer and attested by the Secretary of State, who shall affix the great seal of the State to each bond. They shall be num-

Registered
coupon funding
bonds.
Amount.

Denomination.

Interest—governor determine.

Payable semi-annually.

Principal due in 25 years.

Bonds payable in 15 years.

Option may be exercised by giving notice.

Register with auditor.

Series 1897.

Secretary of state affix seal.

bered and registered in a book kept for that purpose by the State Treasurer, in the order in which they are issued. Each bond shall state upon its face the amount for which it is issued, to whom issued, for what purpose issued, naming the total amount of the insurrection fund, above named, the date of its issue, and the title of this Act, together with the section and article of the Constitution authorizing this Act. Only so many of said bonds shall be issued as may be necessary to fund the indebtedness mentioned herein as above provided.

Board of equal-
ization levy tax.

Section 3. Whenever the bonds are issued as provided in this Act, it shall be the duty of the State Board of Equalization to levy and assess a special tax on all taxable property in this State sufficient in amount to meet the semi-annual interest accruing on said bonds, which tax, when collected, shall be paid into the State treasury, to the credit of the Interest Fund; and for the ultimate redemption of said bonds

Placed to inter-
est fund.

Annual tax.

there shall be levied annually for ten years after fifteen years from the date of their issue, such tax upon all of the taxable property of the State as shall create an annual fund equal to ten per cent. of the whole amount of the bonds issued, which fund shall be called the "Registered Funding Bonds, Series 1897, Sinking Fund." All taxes for interest on and for the redemption of such bonds, shall be levied and collected as other State taxes, and shall be paid into the State treasury in cash only; the proceeds thereof shall be kept by the State Treasurer, as special and distinct funds under their respective heads, to be used in payment of interest on and redemption of said bonds, or for their purchase as hereafter provided, and for no other purpose whatever; Provided, That whenever any surplus remains to the credit of the Interest Fund, after the full payment of the interest maturing in any year, the State Treasurer shall cause such surplus to be transferred to the credit of the "Registered Funding Bonds, Series

Taxes paid in
cash only.

Surplus in in-
terest fund be
transferred to
sinking fund.

1897, Sinking Fund"; all moneys belonging to the said "Sinking Fund" may be used by the State Treasurer in the purchase or payment of any of the said bonds issued under this Act, in the order of the several numbers of said bonds.

Section 4. The Treasurer shall include in his biennial report a statement of the interest collected in pursuance of this Act, the amount paid out, also the amount, if any, carried to the "Sinking Fund", and how invested. When any of the bonds are purchased or paid under this Act, or redeemed, it shall be the duty of the State Treasurer to cancel the same so that they can be plainly identified, and cause the record of such cancellation to be made in the registry books of both the State Treasurer and State Auditor, and they shall be kept on file in the State Treasurer's office; and any such purchases, payments or cancellations shall also appear in said biennial statement of the State Treasurer, during the fiscal year of 1897.

Treasurer include in biennial report.

Treasurer cancel.

Record by auditor and treasurer.

Section 5. For the payment of the coupons representing the interest to accrue due on said bonds issued under this Act, the State Treasurer is hereby authorized and directed to apply any money at that time in his hands and unappropriated belonging to the General Revenue Fund; and so much money as may be necessary therefor is hereby appropriated out of said funds for the payment of said interest.

Payment of interest.

Appropriation for.

Section 6. The Governor and Attorney General are authorized to approve the form of the bonds to be issued under this Act, and the coupons attached thereto, subject to the provisions contained in Section 1 of this Act; and when said issue is made as herein provided, the Treasurer shall be authorized to dispose of the same for cash at not less than par and deposit the proceeds thereof in the treasury to the credit of the "Registered Funding Bonds, Series 1897 Fund," to be used in the payment of the outstanding indebtedness mentioned in this Act, resultant from

Form of bonds.

Treasurer dispose of for cash at not less than par.

Pay outstanding indebtedness.

Audited by.

the expenses of suppressing said insurrection of 1896 and 1897, which may have been, or may hereafter, be audited by the Governor, Attorney General, and State Auditor, as outstanding bills and certificates of indebtedness of the fiscal years of 1896 and 1897.

Treasurer keep record of registry and to whom issued.

Section 7. The book provided for in Section 2 of this Act, for the registry of said bonds by the State Treasurer, shall also provide for the record of the name or names of the person or persons, corporation or corporations, to whom said bond or bonds is or are issued, and of the transferee or transferees to whom the same may have been transferred; and such bonds, and the interest thereon, shall be payable only to the registered owner or owners, holder or holders of the said bond or bonds, as shown by said book of registry, or to their personal representatives, executors, administrators or assigns.

Payable only to registered holders.

Irrepealable.

Section 8. This Act shall not be revised, amended or repealed, until the total amount of indebtedness herein provided for is wholly paid and discharged.

Approved April 1, 1897.

CHAPTER 54.

HORSESHOEING—REGULATING PRACTICE OF.

(H. B. No. 429.)

AN ACT

TO REGULATE THE PRACTICE OF HORSESHOEING IN THE CITIES OF THE STATE OF COLORADO, HAVING A POPULATION OF 70,000 INHABITANTS OR MORE.

Be it Enacted by the General Assembly of the State of Colorado:

Journeyman shall not practice in cities of 70,000 without registering with county clerk.

Section 1. No person shall practice horseshoeing as a master or journeyman horseshoer in any city of this State having a population of 70,000 inhabitants or more, unless he is duly registered as herein-after [hereinafter] provided in a book kept for

that purpose in the office of the County Clerk of the county in which he practices.

Apprentices may follow the occupation of horse-shoeing while learning the trade. Apprentices.

Sec. 2. No person shall be entitled to register as master or journeyman horseshoer without pre-
 presenting a certificate of satisfactory examination be-
 fore the Board of Examiners as provided for in Sec-
 tion 4. Must have cer-
tificate from
board of exam-
iners.

Sec. 3. Any person who has been practicing
 as a master or journeyman horseshoer in the State
 for the period of not less than four years preceding
 the passage of this Act may register within three
 months after the passage of this Act, upon making
 and filing with the County Clerk of the county in
 which he practices an affidavit stating that he has
 been practicing horseshoeing for the period herein-
 before prescribed, and upon complying with this
 section shall be exempt from the provisions of this
 Act requiring an examination. Any person who
 wishes to practice as a master or journeyman can
 apply to the Board of Examiners, and upon passing
 a satisfactory examination shall receive a certifi-
 cate to practice as such. If practiced in
state four years
preceding pas-
sage of act,
may make affi-
davit.

Sec. 4. A Board of Examiners, consisting of
 one veterinarian and two master horseshoers and
 two journeymen horseshoers, is hereby created, all
 of whom shall be residents of the State of Colorado,
 whose duty it shall be to carry out the provisions of
 this Act. The members of said Board shall be ap-
 pointed by the Governor, and the term of office shall
 be for two years, or until their successors shall be
 duly appointed and qualified. The Board of Exam-
 iners shall hold sessions for the purpose of examin-
 ing applicants desiring to practice horseshoeing as
 master or journeyman horseshoers as often as shall
 be necessary, and shall grant a certificate to any
 person showing himself qualified to practice, and Board of exam-
iners.

Governor
appoint.

Examine appli-
cants.

Grant certif-
icates.

Fee. shall receive as compensation a fee of two dollars from each person examined. Three members of said Board including the veterinary surgeon and at least one master horseshoer, shall constitute a quorum.

Quorum. The Board shall adopt a set of rules governing examination of applicants. The Board of Examiners shall regulate as to the time apprentices shall serve in learning the trade, which shall not be more than three years, at any time, and an apprentice may make application to the Board of Examiners, and if he passes a satisfactory examination they shall grant him a certificate to practice as a master or journeyman.

Regulate terms of service of apprentices. The Board of Examiners shall submit to the Governor a biennial report as to receipts and expenditures, and the business transacted by them. They shall also submit to him the rules for examination for his approval.

Biennial report.

Veterinary surgeon—qualifications. Sec. 5. The veterinary surgeon appointed on said Board shall be a practicing graduate, having a diploma from some reputable veterinary institute, who has been a resident of Colorado three years prior to his appointment. The master horseshoers appointed on said Board shall have had ten years practice as horseshoers, and in business giving employment to horseshoers prior to and at the time of appointment, having had a bona fide residence of five years in the State of Colorado. The journeyman horseshoers shall have had ten years practical experience in horseshoeing, with a residence of five years in Colorado prior to appointment. Each member of the Board shall give a bond of \$500.00 to the State for the faithful performance of his duties as member of the Board.

Master horseshoers—qualifications.

Journeyman horseshoers—qualifications.

Bond.

County clerk keep registry book. Sec. 6. The County Clerk of each county containing any such city shall provide a book to be known as the "Master and Journeyman Horseshoers' Register," in which shall be recorded the names of the registrants, who shall then be entitled to continue the practice of horseshoeing. Every applicant who shall have complied with the provisions of

Sections 2 and 3, shall be admitted to registration, Fee for record- and shall pay the Clerk of said county the sum of ing. twenty-five cents, which shall be received as full compensation for such registration.

Sec. 7. Any person who shall present to the Misdemeanor to Clerk for the purpose of registration any certificate present fraudu- which has been fraudulently obtained, or shall practice as a master or journeyman horseshoer without conforming to the requirments [requirements] of this Act, or shall otherwise violate or neglect to comply with any of the provisions of this Act, shall be guilty of a misdemeanor, and shall be subject to a fine of not less than five dollars nor more than fifty Penalty. dollars, or imprisonment in the county jail for a period of not less than one day and not exceeding thirty days for each and every violation hereof; each day being considered a separate offense.

Sec. 8. Justices of the Peace shall have juris- Justices of the diction in all cases arising under this Act. peace have jur- isdiction.

Approved March 31, 1897.

CHAPTER 55.

HORTICULTURE—COUNTY INSPECTORS.

(H. B. No. 6.)

AN ACT

CONCERNING HORTICULTURE, AND TO REPEAL SECTIONS 5, 6, 7, 8 AND 9 OF AN ACT ENTITLED "AN ACT TO CREATE STATE AND COUNTY BOARDS OF HORTICULTURE, DEFINE THEIR DUTIES AND COMPENSATION, TO PROTECT AND PROMOTE THE HORTICULTURAL INTERESTS OF THE STATE, AND TO REPEAL AN ACT TO ESTABLISH A BUREAU OF HORTICULTURE, APPROVED MARCH 8, 1883," APPROVED APRIL 5, 1893.

Be it Enacted by the General Assembly of the State of Colorado:

Petition to
county commis-
sioners.
Owners of
orchards.
Necessity for
protection.
Commissioners
appoint inspec-
tor.
Term.
Examined by.

Section 1. Whenever a petition is presented to the Board of County Commissioners of any county, signed by thirty-five (35) free holders each one of whom shall be the owner of an orchard of at least two acres situate and growing in said county, stating that in their opinion a necessity exists for protecting the horticultural interests of said county, diminishing and destroying fruit pests, and diseases and insects injurious to fruit trees, plants, vines and shrubs, the said County Commissioners shall appoint a competent, experienced horticulturist, a person who shall be known as the County Horticultural Inspector, who shall hold his office for the period of one year, unless otherwise terminated by said Board of County Commissioners. It shall be the duty of the Professor of Entomology of the State Agricultural College at Fort Collins, in this State, to examine all persons applying for a license as a Horticultural Inspector, and if found competent and fully qualified to perform the duties of the office, he shall issue to

such applicant a license as a County Horticultural Inspector, which license shall certify to the competence of such applicant, and shall authorize him to act as an Inspector in any county in the State for a period of two years from its date. Said professor shall receive for such services, a fee of five dollars from such applicant. No person shall enter upon the duties of the office of such Inspector nor continue in the performance thereof, unless holding such a license. Such Inspector shall also give a good and sufficient bond before entering upon the duties of his office, in the sum of one thousand dollars, conditioned for the faithful performance of the duties of the office, the surety on which bond may be a good and responsible guarantee company, and shall be approved by the Board of County Commissioners. Said Inspector shall have the power to appoint as many deputies as may be necessary subject to the approval of the County Commissioners who shall act under the direction and with the authority of said Inspector. Said Inspector shall be paid for his services the sum of four (4) dollars per day, and said deputies two dollars and fifty cents per day, out of the county treasury, for as many days' services rendered as the Board of County Commissioners shall, by resolution, authorize. It shall be the duty of such Inspector and his deputies to keep a complete record of their official doings, and to make a quarterly report thereof to the Board of County Commissioners of said county, who shall withhold the warrant for the salary of any delinquent Inspector or deputy, until such report is made. The Inspector shall furnish each owner or manager of an orchard or vineyard within his jurisdiction such blanks as may be provided by the State Board of Horticulture, containing questions and inquiries as to the condition of his orchard or vineyard and the extent to which the requirements of the Inspector have been complied with. Such owner or manager shall fill out said blanks and return them to the Inspector, who shall transmit them to the State

Licensed by.

Fee for examination.

Bond.

Commissioners approve.

Inspector appoint deputies.

Compensation.

Keep record and report to.

Commissioners withhold salary of delinquents.

Inspector furnish blanks.

Owners fill out and return.

Commissioners may remove. Board of Horticulture. The Board of County Commissioners shall have the power to remove any Inspector or deputy who shall, in their judgment fail to perform the duties of the office.

Inspector notified of stock shipped in. Sec. 2. No person or persons either as an owner, agent, servant, employee or common carrier shall bring or cause to be brought into any county in the State of Colorado having a County Horticultural Inspector, from any district, county, State or foreign country, any trees, vines, shrubs, scions, cuttings, grafts, fruits or fruit pits, without giving notice of their arrival at their destination within twenty-four hours thereafter, to the Horticultural Inspector of said county; nor keep, sell, plant, expose for sale, deliver, give away or otherwise distribute any of the articles mentioned in this section, or cause or permit the same to be done, except upon order of the County Inspector and until they shall first have been inspected as hereinafter provided, and disinfected to the satisfaction of the said Inspector.

Must carefully inspect. Sec. 3. Whenever the County Horticultural Inspector shall be notified of the arrival of any of the articles enumerated in Section 2 of this Act, he shall within forty eight (48) hours make a careful inspection of the same, and if any such articles shall be found by him to be infested with any disease, live scale, or insect pests, detrimental or injurious to fruit trees or the product thereof, or to plant life, such infested articles shall be removed from the limits of the county within forty-eight hours thereafter, at the expense of the owner, agent or shipper, or shall be destroyed. The owner, agent or shipper shall have the right to elect as to the removal of such infested articles from the county, or to have the same destroyed by order and under the direction of said Inspector.

If infected.

Removed or destroyed.

Quarantine. Sec. 4. The County Horticultural Inspector shall have the power to establish and maintain quar-

antine and inspecting stations within his county, whenever and wherever the same may be authorized by the Board of County Commissioners, and of such character as they shall direct.

Sec. 5. If the result of the inspection of the County Horticultural Inspector shall be to put any of the articles mentioned in Section 2 of this Act in quarantine, such articles shall be exempt from removal from the county during the pendency of such quarantine regulations. Exempt from removal. Whenever said Inspector shall deem it necessary to the safety of the horticultural interests of his county, he may hold in quarantine for information, subsequent inspection or disinfection and final order relative thereto, any of the articles enumerated in said Section 2 of this Act for such reasonable time as in his judgment is necessary, without unreasonable delay.

Sec. 6. Any person or persons who shall ship or bring or cause to be brought or shipped into any county of the State having a County Horticultural Inspector any of the articles mentioned in Section 2 of this Act, shall have placed upon or securely attached to each box, package, or separate parcel of such articles, a distinct mark or label, showing the name of the owner, agent or shipper, the name of the grower, and any further evidence necessary to determine the locality where grown. Must label.

Sec. 7. It shall be the duty of the County Horticultural Inspector in each county, whenever he shall deem it necessary, to make an inspection of any orchard, nursery or trees, or any fruit packing house, store-room, sales-room, or other place or article within his jurisdiction, and if found infested with insects, or pests or diseases injurious to fruit, fruit trees, vines, bushes or other horticultural interests Notify owner if infected. he shall notify the owner or owners, or person or persons in charge or in possession of such trees, place or other thing as aforesaid, that the same or any of them are infected with insects, or their eggs or

Give formula.	larvae or with fruit or fruit tree diseases, and shall give a formula for the treatment thereof, and such person or persons so notified shall eradicate or destroy the said insects or pests, or their eggs or larvae, within a certain time to be specified in said notice. Said notices may be served upon the person or persons, or either of them, owning or having charge, or having possession of such infested place, trees or other thing as aforesaid, by the Inspector or any Deputy Inspector. Any and all such places,
Declare public nuisance.	trees or other thing thus infested, are hereby declared and adjudged to be a public nuisance. Whenever any such nuisance shall exist at any place within his jurisdiction on the property of any non-resident, or on any property the owner or owners of which can not be found by the Inspector, after diligent search within the county, or on the property of any owner or owners upon which notice has been served, and who refuses or neglects to abate the same within the time specified, or to follow the directions given by said Inspector for disinfecting the same, it shall be the duty of such Inspector to cause the same to be at once abated, by eradicating or destroying said insects or other pests, their eggs or larvae, so far as practicable, and he may if necessary, cut back, disinfect, fumigate or burn said infested trees, vines and shrubs, as well as other articles in the vicinity which are also infested, but the Inspector shall not proceed to abate any such nuisance where his directions have been followed.
Refusal to abate.	
Inspector take charge.	The expense thereof shall be first paid by the county upon filing of proper vouchers therefor. Any and all sums so paid, together with the Inspectors [Inspector's] salary while engaged upon said property, shall be and become a lien on the property and premises from which said nuisance has been removed or abated, in pursuance of this Act, upon the filing with the County Clerk and Recorder of the said county, a sworn statement showing the itemized amount of such sum or sums, and a description of
County pay expense.	
Lien on property where nuisance.	
File statement with county clerk.	

such property or premises. Such lien may be foreclosed by an action against such property and premises, which action shall be brought by the District Attorney in the name and for the benefit of the county making such payment. When the property is sold the proceeds thereof shall be paid into the county treasury of such county to satisfy the lien and costs, and the overplus, if any, shall be paid to the owner by order of the Board of County Commissioners, upon his applying therefor.

District attorney bring action.

Proceeds of sale to county except.

Sec. 8. It shall be unlawful for any person or persons to spray fruit trees while in bloom with any substance injurious to bees.

Unlawful to spray with substance injurious to bees.

Sec. 9. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for a period of not less than ten nor more than one hundred days, or by a fine of not less than ten dollars nor more than one hundred dollars. Any Justice of the Peace or District or County Courts of the respective counties shall have jurisdiction to try any case arising under the provisions of this Act.

Violation a misdemeanor.

Penalty.

Courts having jurisdiction.

Sec. 10. Sections 5, 6, 7, 8 and 9 of an act entitled "An Act to Create State and County Boards of Horticulture; Define Their Duties and Compensation; To Protect and Promote the Horticultural Interests of the State, and to Repeal an Act to Establish a Bureau of Horticulture, Approved March 8, 1883," approved April 5, 1893, are hereby repealed.

Repeal.

Sec. 11. In the opinion of the General Assembly an emergency exists, therefore this Act shall take effect and be in force from and after its passage.

Emergency.

Approved April 16, 1897.

CHAPTER 56.

IMMIGRATION BUREAU.

(S. B. No. 37.)

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT TO CREATE A BUREAU OF IMMIGRATION AND STATISTICS AND TO PROVIDE FOR THE GOVERNMENT THEREOF," APPROVED APRIL 20, 1889, THE SAME BEING CHAPTER LXIV. ENTITLED 'IMMIGRATION,' OF MILLS' ANNOTATED STATUTES, AND TO REPEAL SECTION 2 OF AN ACT ENTITLED 'AN ACT TO ENCOURAGE AND PROMOTE THE ORGANIZATION OF AGRICULTURAL AND MECHANICAL FAIR ASSOCIATIONS IN THE STATE OF COLORADO,' APPROVED APRIL 6, 1891, THE SAME BEING GENERAL SECTION 1862B. OF MILLS' ANNOTATED STATUTES.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. An act entitled "An Act to Create a Bureau of Immigration and Statistics and to Provide for the Government Thereof," approved April 20, 1889, the same being Chapter LXIV., entitled "Immigration," of Mills' Annotated Statutes, and also Section 2 of an act entitled "An Act to Encourage and Promote the Organization of Agricultural and Mechanical Fair Associations in the State of Colorado," approved April 6, 1891, the same being General Section 1862b of Mills' Annotated Statutes, be and the same are hereby repealed.

Repeal.

Section 2. In the opinion of the General Assembly an emergency exists, therefore this Act shall take effect and be in force from and after its passage.

Emergency.

Approved March 16, 1897.

CHAPTER 57.

IRRIGATION—CHANGE OF BOUNDARIES.

(H. B. No. 297.)

AN ACT

TO CHANGE THE BOUNDARIES OF WATER DISTRICT NUMBER THIRTY-FOUR (34), AND WATER DISTRICT NUMBER SIXTY-ONE (61), AND TO ESTABLISH WATER DISTRICT NUMBER SIXTY-NINE (69), AND TO REPEAL ALL ACTS AND PARTS OF ACTS INCONSISTENT WITH THIS ACT.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That Water District Number (34), Water district No. 34. shall consist of all lands lying in the State of Colorado, irrigated from ditches or canals taking water from the Rio Mancos, and its tributaries; and also all lands irrigated from ditches or canals taking Boundaries. water from that part of the Dolores River within the boundaries of said Montezuma County, and from streams draining into said portion of Dolores River.

Sec. 2. That Water District Number Sixty-one (61), shall consist of all lands in the State of Colorado irrigated from that portion of Dolores River between the mouth of San Miguel River and the county line of Dolores County, and from streams draining District No. 61. Boundaries. into the said portion of Dolores River.

Sec. 3. That Water District Number Sixty-nine (69), shall consist of all lands lying in the State of Colorado irrigated from ditches or canals taking District No. 69. Boundaries. water from those portions of the Dolores River within Dolores County, and from [from] streams draining into said portions of the Dolores River.

Sec. 4. All acts and parts of acts inconsistent Repeal. with this Act are hereby repealed.

Emergency.

Sec. 5. In the opinion of the General Assembly an emergency exists; therefore, this Act shall be in force and take effect from and after its passage.

Approved April 12, 1897.

CHAPTER 58.

IRRIGATION—EXCHANGE OF WATER.

(H. B. No. 353.)

AN ACT

TO PROVIDE FOR AND TO REGULATE THE EXCHANGE OF WATER BETWEEN RESERVOIRS AND DITCHES AND THE PUBLIC STREAMS.

Be it Enacted by the General Assembly of the State of Colorado.

Exchange of water, less seepage.

State engineer determine.

Section 1. That whenever any person or company shall divert water from one public stream and turn it into another public stream, such person or company may take out the same amount of water again, less a reasonable deduction for seepage and evaporation, to be determined by the State Engineer.

Must maintain flumes and register water.

Sec. 2. Any person or company transferring water from one public stream to another shall be required to construct and maintain under the direction of the State Engineer measuring flumes or weirs and self-registering devices at the point where the water leaves its natural watershed and is turned into another, and also at the point where it is finally diverted for use from the public stream.

Water commissioner keep record.

Sec. 3. It shall be the duty of the Water Commissioner of the district in which the water is used to keep a record of the amount of water so turned into his district from any other district.

Sec. 4. When the rights of others are not injured thereby, it shall be lawful for the owner of a reservoir to deliver stored water into a ditch entitled to water or into the public stream to supply appropriations from said stream, and take in exchange therefor from the public stream higher up an equal amount of water, less a reasonable deduction for loss, if any there be, to be determined by the State Engineer; Provided, That the person or company desiring such exchange shall be required to construct and maintain under the direction of the State Engineer measuring flumes or weirs and self-registering devices at the point where the water is turned into the stream or ditch taking the same or as near such point as is practicable so that the Water Commissioner may readily determine and secure the just and equitable change of water as herein provided. Reservoirs and ditches may exchange. Proviso.

Sec. 5. All acts and parts of acts inconsistent with this Act are hereby repealed. Repeal.

Approved April 9, 1897.

CHAPTER 59.

LEGAL NOTICES.

(S. B. No. 96.)

AN ACT

TO REGULATE THE PRINTING OF LEGAL NOTICES AND ADVERTISEMENTS.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. No legal notice, advertisement or publication of any kind required or provided by the laws of the State of Colorado, to be published in a Legal notices.

Must be printed
in paper pub-
lished in county
where notice is
given.

Weekly news-
papers—require-
ments.

Daily newspa-
pers—require-
ments.

Proviso.

Constitutional
amendments.

Affidavits of
publishers.

newspaper shall be published or have any force or effect as such unless the same be published in a newspaper printed in whole or in part, and published in the county in which such notice or advertisement is required to be printed, having a general circulation therein, and which said newspaper, if published weekly, has been continuously and uninterruptedly published in said county during a period of twenty-six consecutive weeks prior to the first publication of said notice or advertisement and, if published daily, has been so published as a daily paper in said county during a period of three consecutive months prior to the first publication of said notice or advertisement; Provided, That nothing in this Act shall invalidate the publication of such notice or advertisement in any newspaper which has simply changed its name or changed the place of publication from one part of the county to another part thereof, without breaking the continuity of its regular issues for the required length of time; and Provided, further, that this Act shall not apply to counties in which no newspaper has been published for the required length of time.

Provided, also, that in towns and cities where no newspaper has been published for the required length of time, the provisions of this Act shall apply only to the publication of proposed constitutional amendments and all notices and advertisements provided for by the election laws of the State.

Section 2. Every affidavit of the publisher of any such legal notice, advertisement or publication shall in addition to the other matters required to be set forth therein by law, state that the newspaper in which such legal notice, advertisement or publication shall have been made, has been established for the length of time required and is a newspaper within the meaning of this Act.

Approved April 21, 1897.

CHAPTER 60.

MINERAL COUNTY.

(H. B. No. 47.)

AN ACT

TO PLACE MINERAL COUNTY IN THE SECOND CONGRESSIONAL DISTRICT.

Be it Enacted by the General Assembly of the State of Colorado.

Section 1. Mineral County is hereby made a part of the Second Congressional District.

Approved April 10, 1897.

CHAPTER 61.

MINERAL COUNTY.

(H. B. No. 48.)**AN ACT****TO PLACE MINERAL COUNTY IN NORMAL INSTITUTE DISTRICT
NUMBER TEN.***Be it Enacted by the General Assembly of the State of Colorado:***Section 1. Mineral County is hereby made a
part of Normal Institute District Number Ten.****Approved March 24, 1897.**

CHAPTER 62.

MINING TUNNELS.

(S. B. No. 75.)

AN ACT

CONCERNING MINING TUNNELS.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. Any person or company who has or hereafter may have a tunnel or cross-cut, the mouth of which is located upon his own ground or upon ground in his lawful occupation, shall have the right to drive and continue the same through and across any located or patented claim in front of the mouth of such tunnel, but not to follow or drive upon any vein belonging to the owner of such claim.

May tunnel
through claims
but not follow
vein.

Section 2. Such tunnel or cross-cut may be driven and worked for the purpose of drainage and for the purpose of reaching and working mining ground of the tunnel owner beyond the intersected claim. The owner or owners of any vein or any claim or claims so intersected or his duly authorized agent shall have the right to enter such tunnel upon application to the owner or owners of said tunnel without resorting to any process of law for the purpose of making a survey and inspecting such vein or veins as may be crossed within the boundary lines of such intersected claim, and if the owner or owners of such tunnel shall, by bulk-heading, damming back or in any manner prevent the inspection or survey herein provided for, or if such owner or owners shall in any manner prevent the natural drainage of water from such intersected claim or claims without

Purpose of tunnel.

Owners of veins intersected may enter tunnel without process of law to inspect.

Forfeiture of rights to prevent.

the consent of the owner or owners thereof, it shall work a forfeiture of all rights granted under Section One of this Act.

Ore extracted from such claims property of owners.

Owner of tunnel liable for damages to claims.

Section 3. If any ore, the property of the owner of the claim intersected or crossed, be extracted in driving such tunnel, it shall be the property of the owner of the vein from which it was taken and the owner of the tunnel shall be liable for all actual damages or injury done to the owner of the claim crossed by his tunnel.

Burden of proof.

Section 4. In all actions between the tunnel owner and others involving the right to any vein discovered in such tunnel the burden of proving that the vein so discovered is not the property of the adverse claimant in such action shall be on the tunnel owner.

Approved April 17, 1897.

CHAPTER 63.

NATIONAL GUARD.

(H. B. No. 323.)

AN ACT

CONCERNING THE ENROLLMENT AND ORGANIZATION OF THE MILITIA [MILITIA] OF THE STATE OF COLORADO; PRESCRIBING THE NUMBER AND RANK OF THE OFFICERS THEREOF, AND DEFINING THE DUTIES AND SALARIES OF SUCH OFFICERS; AND TO REPEAL ALL LAWS IN CONFLICT WITH THE PROVISIONS OF THIS BILL.

Be it Enacted by the General Assembly of the State of Colorado:

ARTICLE I.

Persons Subject to Military Duty.

Subject to military duty.

Section 1. Every able-bodied male citizen of Colorado, and those who have declared their inten-

tion to become citizens of the United States, residing therein, between the ages of 18 and 45 years, except ^{Age.} persons exempt by law, shall be subject to military duty, excepting:

(a) Persons exempted by any statute of this ^{Exempt by law.} State.

(b) All persons in the army or navy of the United States, and those who have been honorably discharged therefrom.

(c) The members of any regularly organized fire or police department in any city, village or town, and also those who are exempt firemen, by reason of having served their full term in any fire company; but no member of the National Guard shall be relieved from duty in the National Guard by reason of his joining any such fire company or department.

(d) All persons who have served in any capacity in the National Guard of this State for the term of five years, and in case of enlisted men, for the full term of their enlistment; Provided, They have served at least five years and been honorably discharged.

(e) Those permanently disqualified for military service by physical disability, and having in their possession a certificate of some reputable physician or surgeon thereto, and describing the nature thereof.

(f) Justices and clerks of courts of record, County Clerks and Recorders, Sheriffs, ministers of the gospel and members of religious denominations which prohibit military service; practicing physicians, superintendents, officers and assistants of hospitals, prisons and jails, conductors and engineers of railways.

(g) Idiots and lunatics, and felons convicted of infamous crimes and not pardoned.

ARTICLE II.

Enrollment.

Section 1. The Assessors in the several counties ^{County assess-} in the State when ordered by the Governor shall take ^{sors take mili-} the military enrollment while making the assess- ^{tary enroll-}ments. ^{ments.}

ment of personal property. They shall make two separate lists of persons liable to enrollment within their jurisdiction, first, of persons so liable under the provisions of Section 5 of this article, and second, of all persons subject to enrollment. At the time they make their assessment returns they shall return certified copies of such lists to the Clerks and Recorders of their respective counties, who shall file the same. Upon satisfactory proof said Clerks and Recorders may correct the lists by adding names of persons improperly omitted and striking off names of persons improperly enrolled; and they shall each, before the first Tuesday following the first Monday of September following, make and transmit to the Adjutant General of the State a statement showing the number of each class of persons enrolled in each township, ward and precinct of their respective counties. The Governor may also order such enrollment to be made at any other time than as above provided, whenever in his opinion there is necessity therefor.

File certified copies with county clerk, who may correct.

Transmit statement to adjutant general.

Refusal to give information to assessors punishable.

Sec. 2. Keepers of taverns or boarding houses, and masters or mistresses of dwelling houses shall, upon application of the Assessors within whose bounds their houses are situated, give information of the names of persons residing in their houses who are liable to enrollment, and every such person shall, upon application, give his name and age; and if such keeper, master or mistress, or other person refuse to give such information, such keeper, master or mistress shall forfeit and pay twenty dollars, and such other person shall forfeit and pay ten dollars, to be recovered on complaint of the Assessor.

Refusal of assessor to perform punishable.

Sec. 3. If the Assessor refuses or neglects to perform any of the duties required of him by this article, the Governor may order the Adjutant General or some other person to perform any or all of said duties, and an Assessor who wilfully refuses or knowingly neglects to perform any duty enjoined on him by this article, shall for every such neglect or refusal pay to the State for the benefit of the Mili-

tary Fund not less than one hundred dollars to be recovered before any court of record and shall be committed to the county jail until such fine and costs are paid or secured to be paid.

Sec. 4. Assessors and their assistants shall be paid for their services in making the enrollment required by this article two cents for each and every name borne on the rolls returned by them, the same to be the names of persons subject to enrollment under the provisions of this article. Fees for making enrollment.

Sec. 5. Persons hereafter specified shall be enrolled as provided in Section 2 of this article, but shall be exempt from service in the militia except in case of war, insurrection or invasion, or reasonable apprehension thereof; Provided, That if any such person voluntarily enlists in the organized militia he shall thereafter be held to duty therein notwithstanding this exemption. Persons to be enrolled, but exempt except in case of war. Proviso.

(a) Persons who at the time of enrollment have served five consecutive years in the militia of this State, either as officers or enlisted men, and have received an honorable discharge according to law.

(b) Active members in good standing serving without pay in some company belonging to a volunteer fire department organized under and subject to the authority of a municipal corporation and those who have served for five consecutive years shall be exempt for the five years immediately following such service; but such exemption shall not apply to active members of engine companies of more than fifty-five members, of hook and ladder companies of more than thirty-six members, or of hose companies of more than twenty five members.

(c) Judges of the Supreme, District and County Courts and Court of Appeals.

(d) All State, county and municipal officers (excepting Notaries Public); and all teachers engaged in public institutions and public schools.

False certificate by physician. **Sec. 6.** A surgeon or physician who knowingly gives to any person liable to be enrolled in the militia a false certificate of disability shall be fined for each offense fifty dollars for the benefit of the Military Fund.

Penalty.

Forgery to alter or transfer certificate of disability. **Sec. 7.** Whoever alters or transfers any certificate of disability given by any surgeon or physician to any person otherwise liable to enrollment in the militia, or claims exemption under any such certificate not issued to him shall be deemed guilty of forgery and punished accordingly.

Existing enrollment in force. **Sec. 8.** Until the enrollment provided for in this article shall have been completed, the existing enrollment of the militia shall remain in force.

ARTICLE III.

Organization.

Governor commander-in-chief except. **Section 1.** The Governor shall be Commander-in-Chief of the organized militia except when called into the service of the United States and he shall immediately upon assuming his office appoint an Adjutant General who shall be Chief of Staff, with the rank of Brigadier General, and who shall act as Quartermaster and Commissary General; one Assistant Adjutant General with the rank of Colonel; one Inspector General with the rank of Colonel, who shall act as Paymaster General; one Surgeon General with the rank of Colonel; two or more Aide-de-Camp, [Aides-de-Camp] and a Military Secretary, each with the rank of Colonel; all to take office on April 1, after the inauguration of the Governor, and to serve for two years, unless sooner removed by him; Provided, That the Governor shall have power to remove for cause, any and all of said officers, and to fill vacancies.

Who shall appoint.

Term of office.

May remove for cause.

National Guard.

Title. **Sec. 2.** The organized militia shall be designated the "National Guard of Colorado." In time of peace the National Guard of Colorado shall consist of.

Shall consist of.

sist of the staff of the Commander-in-Chief; a Quartermaster and Commissary General's Department; a Medical Department; one brigade under the command of a Brigadier General and a retired list.

The staff of the Commander-in-Chief shall consist of the Adjutant General, the Assistant Adjutant General, the Inspector General, the Surgeon General, the Military Secretary, and the Aides-de-Camp. Staff of commander-in-chief.

Sec. 3. The Quartermaster and Commissary General's Department shall consist of the Acting Quartermaster and Commissary General, one Assistant Quartermaster General with the rank of Major, one Assistant Commissary General with the rank of Major, one Assistant Quartermaster with the rank of Captain, and one Assistant Commissary with the rank of Captain. Quartermaster and commissary general's department.

Sec. 4. The Medical Department shall consist of the Surgeon General of the State, two Surgeons with the rank of Major, two Assistant Surgeons with the rank of Captain, two Assistant Surgeons with the rank of First Lieutenant, and a Hospital Corps which shall consist of five Stewards, six Acting Hospital Stewards, and not more than thirty-four Privates; Provided; That the Medical Department shall be under the control of the Surgeon General who shall assign them to duty as the best interests of the service may demand; Provided, further, That no person shall be appointed Surgeon General, Surgeon or Assistant Surgeon, unless he shall have been graduated at some recognized medical college in good standing, and shall at the time of appointment be engaged in the practice of his profession; and Provided, further, That no one shall be appointed Hospital Steward or Acting Hospital Steward unless he shall hold a certificate as a registered pharmacist in the State of Colorado, or shall demonstrate his fitness for the position by a satisfactory examination. Medical department.
Under control of surgeon general.
Must be graduate and engaged in practice when appointed.
Hospital steward must be registered pharmacist.

Brigade consist
of.

Sec. 5. The Brigade shall consist of not more than one Signal Corps, one Squadron of Cavalry, one Light Battery of Artillery and two Regiments of Infantry.

Staff of brigadier
general.

Sec. 6. The staff of the Brigadier General commanding, shall consist of one Assistant Adjutant General, one Quartermaster (both of whom shall rank as Major), one Chief Signal Officer and two Aides-de-Camp, all of whom shall rank as Captain. They shall, subject to the examination hereinafter provided for, be appointed and commissioned by the Governor, upon the recommendation of the Brigadier General.

Signal corps
consist of.

Sec. 7. The Signal Corps shall consist of one Captain who shall also act as Chief Officer on the staff of the Brigadier General, and ten Sergeants who shall be instructed in the signal drill and shall perform such other duties as may be prescribed by the Brigadier General.

Squadron of
cavalry consist
of.

Sec. 8. The Squadron of Cavalry shall consist of one Major, one Adjutant (who shall be a First Lieutenant); one Sergeant Major, and not less than two nor more than four troops; Provided, That the Squadron Adjutant and Sergeant Major shall act as Squadron Quartermaster and Quartermaster Sergeant respectively.

Troop of caval-
ry consist of.

Sec. 9. Each troop of Cavalry shall consist of one Captain, one First Lieutenant, one Second Lieutenant, one First Sergeant, five Sergeants, four Corporals, one Saddler, two Farriers and Blacksmith, two Trumpeters and not less than twenty-two nor more than eighty-eight Privates.

Light battery
consist of.

Sec. 10. The Light Battery shall consist of one Captain, one First Lieutenant, one Second Lieutenant, one First Sergeant, one Quartermaster Sergeant, four Sergeants, eight Corporals, two Trumpeters, two Artificers, one Farrier, one Saddler and not less than forty nor more than eighty Privates.

Sec. 11. Each Regiment of Infantry shall consist of one Colonel, one Lieutenant Colonel, two Majors, one Adjutant and one Quartermaster each with the rank of First Lieutenant, one Sergeant Major and one Quartermaster Sergeant; a band to consist of one Chief Musician, two Principal Musicians and not less than thirty Privates and three three Battalions, each Battalion to consist of not less than two nor more than four companies, each company to consist of one Captain, one First Lieutenant, one Second Lieutenant, one First Sergeant, four Sergeants, four Corporals, two Musicians, and not less than twenty-four nor more than eighty-four Privates.

Regiment of
infantry consist
of.

Sec 12. In order that this force may be maintained whenever it is below the maximum herein prescribed, vacancies may be filled upon the petition of a number of persons subject to military duty equal to the minimum required for the organization proposed; such petition shall be forwarded to the Governor, who, if it appears to him that the proposed organization is properly composed, that its location is suitable and that it can be made efficient, shall refer the same to an officer designated by him for that purpose, who shall direct that the petitioners assemble at convenient time, and then inspect them and receive them into the service of the State for a term of three years, unless sooner discharged. In no case shall the mustering officer receive into the service of the State in such cases, a less number of men than the minimum number required by this law to constitute the organization proposed. He shall require the persons so received into the service of the State to elect from their number the officers to be commissioned, and he shall transmit to the Governor a muster roll of the organization duly signed by the persons so received into the service of the State, together with a certified statement as to such election showing the name of the officers so elected, and such persons so received into the service shall then be considered duly enlisted.

Vacancies—
how filled.

Petition
forwarded to
governor.

Officer inspect
and receive into
service.

Must not re-
ceive less than
minimum
required.

Require recruits
to elect officers.

Transmit mus-
ter roll to gov-
ernor, with
certified state-
ment of officers
elected.

How officers
elected.

Sec. 13. Except as above specified company officers shall be elected by ballot by the members of their respective troops, batteries and companies from among those who shall have passed a satisfactory examination as hereinafter provided. In all cases a majority of all the votes of the organization cast at an election shall be necessary to a choice. All commissioned officers hereafter elected shall hold their commissions for three years from date of election. In case of a vacancy each officer and enlisted man entitled to a vote at the election to fill the vacancy shall be served with a notice at his last known address, at least ten days prior to said election.

Hold commis-
sions for three
years.

Notice given of
vacancy.

After organiza-
tion, command-
ing officer enlist
recruits and ad-
minister oath.

Sec. 14. After the organization of a company, battery, troop or corps, recruits may be enlisted into the same by the commanding officer and shall be required to sign their names to an enlistment roll to be furnished by the Adjutant General for that purpose and such signing shall be legal enlistment. Every commissioned officer shall be empowered to administer the oath required on enlistment.

Staff officers
appointed by
governor.

Sec. 15. Staff officers of the two regiments of infantry and the squadron of cavalry shall, subject to the examination hereinafter provided for, be appointed and commissioned by the Governor upon the recommendation of the regimental and squadron commanders.

Non-commis-
sioned officers.

Sec. 16. All non commissioned officers shall be appointed by the commanding officer of the regiment, squadron or battery to which they may belong; Provided, That the non commissioned officers of each troop, battery or company shall be appointed upon the recommendation of the commanding officer of such troop, battery or company.

Adjutant gen-
eral notify.

Sec. 17. Staff officers of the brigade, regiments and squadron, and officers elected as provided in Section 11, shall be notified by letter of their appointment by the Adjutant General. They shall be allowed thirty days from the date of such letter in

which to prepare for an examination, which shall consist of a thorough examination as to their fitness for their positions and shall be conducted by the Board of Examiners hereinafter prescribed. Should any of these officers fail to pass the examination they shall be reported as incompetant [incompetent] and they shall not be commissioned and an election shall be held to fill the vacancy or vacancies as the case may require.

Board of exam-
iners conduct
examination.

Sec. 18. The letter of appointment provided for in the preceding section shall have the force of a commission until the completion of the examination therein provided for.

Appointment
equivalent to a
commission be-
fore examina-
tion.

Sec. 19. All members of any troop, battery or company, who shall have served at least one year in the army of the United States, or in the National Guard of this or some other State, or who shall have attended some school or college where military instruction is had, shall be eligible to enter an examination to detirmine [determine] their eligibility for a commission; Provided, that such examination shall be held by the Board of Examiners, hereinafter provided for, and shall consist of a thorough examination into the mental, moral and physical qualifications of the candidate. These examinations shall be in writing and the questions therefor shall be prepared by the Board of Examiners. These questions shall be furnished the Inspector General who shall conduct the examination and forward the examination papers to the Board of Examiners, who shall carefully consider them and certify the names of the successful candidates to the Adjutant General, who shall keep a roster of the same.

Eligibility to
enter examina-
tion.

Inspector gen-
eral conduct.

Board of exam-
iners certify to
adjutant gen-
eral.

Sec. 20. When a vacancy occurs among the commissioned officers of any troop, battery or company, the Adjutant General shall notify the Brigadier General, and furnish him a list of all the members of the company who are eligible to election. The Brigadier General shall then order an election.

Adjutant gen-
eral notify brig-
adier general of
vacancy, who
shall order
election.

to be held and shall furnish the list of eligible candidates to the officer directed to preside at the election.

Officer file bond and take oath.
Form of oath.

Sec 21—An officer thus elected shall within ten days of his election file his bond and shall take and subscribe the following oath or affirmation. "I do solemnly swear (or affirm) that I will bear true allegiance to the United States of America and to the State of Colorado; that I will serve them honestly and faithfully against all their enemies and opposers whomsoever; and, that I will observe and obey the orders of the President of the United States, the Governor of the State of Colorado, and the officers appointed over me according to the rules and articles for the government of the armies of the United States and the National Guard of this State," before some officer qualified to administer oaths. The officer who administers this oath shall certify the fact and transmit the oath or affirmation properly sealed and attested to the Adjutant General, who shall file the same. A commission signed by the Governor, and countersigned by the Adjutant General under seal of the Adjutant Generals [Adjutant General's] office shall then be issued; the officer to take rank from date of original [original] appointment or election. If it shall appear to the satisfaction of the Governor by the affidavit of competent witnesses that an officer offered any consideration, reward or favor, for the withholding or casting of a vote at the election at which he was chosen, then he shall be dishonorably discharged from the service of the State; Provided, That no charge shall be allowed or pay received for any commissions issued under the provisions of this Act.

Adjutant general file.
Commission.
Governor may dishonorably discharge.

Retired list.

Sec 22—The retired list shall consist of all ex-Adjutants General and ex-Inspectors General, and their former assistants, all ex-Surgeons General, ex-Brigadier Generals and of such officer as shall after having served honorably for five years as officers apply to the Governor to be placed on the retired list.

Sec. 23. The rank of all officers now in the ser- Rank.
vice or hereafter commissioned shall date from date
of election or appointment and an officer who has
served continuously in the same grade for more than
one term, either by re-election or appointment, shall
take rank from the date of his first commission in
that grade.

Sec 24. The resignation of officers shall be ad- Resignations.
dressed to the Governor and transmitted to the Ad-
jutant General through the regular military chan-
nels, and all commanding officers before forwarding
resignations shall endorse thereon their approval or
disapproval, together with all facts bearing on the
case; but an officer tendering his resignation shall
not be considered out of the service until his resig-
nation has been accepted.

Sec. 25. An officer who moves out of the county When office
where his command is located or who absents him- considered
self from his command for one month, without leave vacated.
from his commanding officer shall be considered as
having vacated his office and an election shall be or-
dered and held without delay to fill the vacancy.

Sec. 26. Whenever a company, troop or bat-
tery, becomes reduced in number below the mini-
mum strength, or from general insubordination, con-
tention or other cause, becomes demoralized and in-
efficient, and its disbandment is therefore necessary
for the good of the service, the Governor shall dis- Governor dis-
band the same and order the officers thereof to be band.
mustered out of the service; but no member of a
company, troop or battery, shall be dishonorably dis-
charged except upon due trial and conviction by
court martial, or in some other lawful manner.

Sec. 27. The strength of the National Guard
while in active service may be increased by the Com- Commander-in-
mander-in-Chief by raising the maximum number of chief may
enlisted men for each troop, battery or company to increase.
one hundred and four; he may also cause additional
regiments and brigades to be organized, and the

National Guard may be organized into a division or divisions as the exigencies of the service may require.

Senior officer
command.

Sec. 28. The command of any military force called into the service under the provisions of this Act shall devolve upon the senior officer of such force, unless otherwise specially ordered by the Commander in Chief.

Exempt from
duty on juries
and highways.

Sec. 29. Active members of all companies, troops and batteries, shall during their membership, be exempt from labor on the public highways and from service as jurors.

Term of service
three years.

Sec. 30. Evry [every] enlisted man shall be held to service for a term of three years unless he be properly discharged. Upon the expiration of the service of any enlisted man, the commandant of his company, troop or battery, shall prepare a discharge on the blank furnished for that purpose, and submit it to the senior officer of the regiment, squadron or battery, to which he belongs, who having signed it will return it to the commanding officer of the company, troop or battery, in time for it to be delivered to the man on the day on which his term of service expires. In all other cases enlisted men will not be discharged except upon the receipt of a specific order from the Adjutant General directing such discharge. The company commander shall report to his regimental or squadron commander on his monthly return all discharges.

Commander
report.

Adjutant gen-
eral issue dis-
charge to
commissioned
officer.

Sec. 31. At the expiration of the term of service or upon the acceptance of the resignation of a commissioned officer, the Adjutant General, upon the approval of the Governor, shall issue to such officer a discharge, showing the reason therefor, and the length of the term served.

Re-enlistments.

Sec. 32 All re-enlistments shall be for a term of one year.

ARTICLE IV.

Staff Departments, Officers and Their Duties.

Section. 1. The Adjutant General shall hold his office for the term of two years and until his successor is appointed and qualified, unless sooner removed for misconduct, or in case of the vacation of his office by resignation duly accepted. He shall distribute all orders from the Commander-in-Chief; he shall be the organ of all communications from the State troops to the Commander-in-Chief, and shall attend him when required in reviews of the State troops or whenever ordered in the performance of duty; he shall obey and issue such orders as the Commander-in Chief shall give in relation to all military matters, and shall be entitled to the use of the coat of arms of the State as his seal of office, with the words added thereto: "State of Colorado, Adjutant General's Office." He shall annually make return in triplicate of all the militia of the State, one copy whereof he shall deliver to the Commander-in-Chief on or before the 15th day of December, one copy shall be transmitted to the President of the United States on or before the first day of January thereafter, and one copy shall be filed in his office.

Adjutant general—term of office.

Duties.

Seal of office.

Annual return in triplicate.

When and to whom deliver.

Sec 2. The Adjutant General shall, under the direction of the Military Board, purchase clothing, camp and garrison equipage, ammunition and such other military stores as may be authorized; and shall upon requisitions properly approved issue ordnance and ordnance stores, clothing, camp and garrison equipage and such other stores as may be necessary to the troops of the brigade. The Adjutant General shall keep in good order and preservation ordnance and ordnance stores, clothing and equipments, camp and garrison equipage, flags, banners and military relics of all description, which are the property of the State and not issued to troops, and shall have control of the same subject to the order of the Com-

Shall be purchasing agent.

Custodian.

Sell and dispose and apply to military fund. **mander-in-Chief.** He shall, under the direction of the Military Board, dispose to the best advantage of all arms, ammunition, accoutrements and warlike stores of every kind the property of the State that shall be deemed unsuitable for the use of the State, and shall pay the proceeds of such sale into the State treasury to the credit of the Military Fund. He shall make a report biennially to the Commander-in-Chief showing the actual location and disposition of the military stores which have been entrusted to his keeping.

Biennial report. **Require bonds.** **File.** **Provide supplies.** **Bond.** **Governor may authorize.** **Adjutant general—compensation.**

Sec 3. The Adjutant General shall require bonds from all disbursing and distributing officers of his department and other officers in charge of public property to an amount to be fixed by the State Military Board and approved by the Commander-in-Chief; which bonds when approved by the State Military Board shall be filed in the Adjutant Generals' office.

Sec 4. The Adjutant General shall provide the several departments on their requisition with the necessary rosters, books of record, blank warrants, enlistments, discharges, rolls and other papers required by law and regulations, at the expense of the State. The Adjutant General may be required to give bond conditional on the faithful discharge of the duties of his office in such sum as the Commander in-Chief may direct.

Sec 5. The Governor may authorize the employment of clerks and the hiring of officers, and armories, the purchase of fuel, lights, stationery and books for the military service, for the use of heads of departments, recruiting officers, etc. He may also authorize the hiring of store rooms for the safe keeping of public stores at such place or places as he shall designate until an arsenal or magazines shall be secured by the State.

Sec 6. The annual compensation in time of peace of the Adjutant General shall be one thousand

eight hundred dollars; of the Inspector General five hundred dollars, and shall be payable monthly out of the Military Fund and not otherwise. Inspector general.

Sec 7. The Inspector General shall hold his office for two years and until his successor is appointed and qualified. He shall under the direction of the Commander-in-Chief critically inspect, at least once in every year, each regiment, squadron, troop, company, battery and band of the National Guard of Colorado as to their discipline, drill, soldierly appearance, arms, uniforms and general efficiency. He shall inspect the armories, arms, accoutrements, camp equipage, and other military stores as often as the Commander-in-Chief may direct. He shall at the close of each tour of inspection and after each encampment make report to the Commander-in-Chief of such matters as are of importance for him to know; and annually on or before the first day of December make to the Governor a report of his department. He shall act as Paymaster General and shall give a bond in the sum of five thousand (5,000) dollars for the proper and faithful discharge of his duties as such. Inspector general—term of office.
When inspect.
Reports.
Act as paymaster general.
Bond.

Sec 8 The Attorney General of the State shall be the ex officio Judge Advocate General thereof with the rank of Colonel. He shall discharge all the duties thereof according to the regulations and orders that may be issued governing the same. Attorney general ex officio judge advocate general.

Sec. 9 The State Military Board shall consist of the Governor, the Adjutant General, the Brigadier General, the Judge Advocate General and the Inspector General. It shall prescribe such regulations not inconsistent with law as will increase the discipline and efficiency of the National Guard. The code as prepared by the Military Board and approved by the Commander-in-Chief shall form part of this law and shall take the place of and annul all company, troop, battery, band, squadron and regimental constitutions and by-laws, except such as may be Military board consist of.
Prescribe regulations.
Prepare code.

Governor may
instruct.

allowed by the code; and the Governor may, whenever in his judgment it is necessary, order said Board to revise and amend said code and to consider all other matters concerning the National Guard.

ARTICLE V.

Discipline, Uniforms, Drills, Etc. and Pay.

National guard
governed by.

Sec. 1. The National Guard of Colorado shall be governed by the military law of the State, the code of regulations, the orders of the Governor, and wherever applicable by the regulations, articles of war and customs of the service in the United States Army.

Uniform and
equipments.

Sec. 2. The uniform and equipments of all officers in the National Guard shall be the same as the undress uniform prescribed for officers in the United States Army, except as to such minor changes as may be ordered by the Governor, for the purpose of distinguishing them from officers of the army.

Adjutant gen-
eral furnish.

Sec. 3. The enlisted members of the National Guard of Colorado shall be furnished by the Adjutant General with uniforms and equipments similar to the regulation undress uniform prescribed for the army of the United States, for similar arms and grades of the service, with the exception of the buttons and belt plates which shall be inscribed with the letters "N. G. C." according to the pattern now on file in the Adjutant General's office. The Adjutant General shall invite bids for furnishing uniforms as needed, which bids shall be submitted to the Military Board, which Board shall direct the Adjutant General which bid to accept or what course to pursue [pursue] if all bids are rejected; and the uniforms thus furnished, shall belong to the State and shall be accounted for by the immediate commanding officers of the organizations to which they are issued.

Invite bids.

Submit to mili-
tary board.

Sec. 4. Any person losing, destroying, mu-
tilating or making away with any of the military
property of the State thus furnished or any part
thereof, shall be punished at the discretion of a court
martial.

Destroying mil-
itary property—
punishment.

Sec. 5. It shall be unlawful for any person not
a member of the National Guard to wear any portion
of the uniform prescribed for the National Guard
of this State. Any person so offending shall, upon
conviction before a Justice of the Peace, be fined in
a sum of not less than five nor more than twenty-
five dollars, or imprisoned in the county jail for a
period of not more than twenty-five days.

Unlawful for
civilian to wear.

Justice of peace
have jurisdic-
tion.
Penalty.

Sec. 6. There shall be a company, troop and
battery drill at least twice every month, and a drill
of each battalion or regiment at least once in each
year at a time and place most convenient.

Drills.

Sec. 7. It shall be the duty of the Commander-
in-Chief, if in his judgment the same shall be neces-
sary, to order an Encampment of the National Guard
to be held each year hereafter, to continue for not
less than one week, such Encampment to be held at
some convenient point to be selected by the Com-
mander-in-Chief. At least one month's notice of
such Encampment shall be given each company com-
mander by his commanding officer.

Commander-in-
chief order en-
campment.

Continue how
long.

One month's
notice.

Sec. 8. Any saloon-keeper or other person who
shall sell, barter or give away intoxicating liquors
within the limits of said camp or within one thou-
sand feet of such limits, shall for each and every
time he shall so sell, barter or give away any intoxi-
cating liquors as aforesaid be deemed guilty of a
misdemeanor, and shall, upon conviction thereof
upon complaint before any Justice of the Peace
within the county where said Encampment may be
held, be punished for each and every offense by a
fine of fifty dollars or imprisonment in the county
jail of said county, or by both such fine and impris-
onment at the discretion [discretion] of the Justice

Misdemeanor to
sell or give
away liquors
within one
thousand feet.

Tried before
justice of peace.

Penalty.

Proviso.

before whom the case may be tried; Provided, however, That such term of imprisonment shall not be for more than ninety days nor less than thirty days. Upon conviction the Justice of the Peace shall in every case adjudge the costs against the defendant.

Governed by state laws.

May fix bounds where spectators shall not enter.

Punishment for violation.

Fines to military fund.

When suppressing insurrections or repelling invasions.

Paid out of general fund.

Rate of compensation.

Sec. 9. During an Encampment the camp routine customary on such occasion shall be observed and the officers and men shall be governed by the laws of the State and as near as may be by the regulations and customs of the service of the United States Army. The commanding officer may fix certain bounds not including any public road within which no spectator shall enter without leave, and whoever intrudes within such limits when forbidden to do so, or after entering after permission, conducts himself in a disorderly manner, or whoever resists a sentry or guard acting under orders to prevent such entry, or to prevent disorderly conduct, may be arrested by the commanding officer or by his order, and taken before a Justice of the Peace of the proper township, and upon conviction of the offense shall be fined not more than fifty dollars nor less than ten dollars and the costs of the prosecution and shall be committed until such costs and fine are paid; all such fines when collected to be placed to the credit of the Military Fund.

Sec. 10. Officers and enlisted men when serving under the orders of the Governor or of a Sheriff, Mayor or Judge, to prevent violation of the laws of the State, or to prevent or suppress riot or insurrection or to repel or prevent invasion, shall, until such time as other provision is made for the payment for the services rendered, receive pay out of the General Fund of the State at the following rates: All commissioned officers shall receive the same pay as is paid to the United States army officers of like grade, less 20 per cent. Sergeant-Majors, Quarter-master-Sergeants and Hospital Stewards shall be paid the sum of two dollars and forty cents per day

for the first twenty days' service: First Sergeants and Acting Hospital Stewards, two dollars and thirty cents per day for the first twenty days service: Sergeants, two dollars and twenty cents per day for the first twenty days' service: Corporals, two dollars and ten cents per day for the first twenty days' service, and Privates two dollars per day for the first twenty days' service. After twenty days' service one dollar less per day for each of the above mentioned non-commissioned officers and privates. The necessary transportation, medical attendance and supplies, quarters and subsistence, shall also be provided for them and a reasonable allowance shall also be made for animals necessarily used.

First twenty days' service.

After twenty days' service.

Sec. 11. For each twenty-four hours' duty during Encampment, as provided in Section 7, Article 5, of this Act each officer shall receive two dollars and each enlisted man one dollar: and for each day a troop of cavalry or battery of artillery is actually on parade or in camp, as provided in said section, not exceeding in all ten days in each year, there shall be allowed not exceeding one dollar per day for each horse actually and necessarily used, not exceeding one horse for each officer and enlisted man; Provided, That all vouchers for transportation, subsistence, medical attendance (when not rendered by a medical officer of the service), supplies and quarters, and for the use of horses for the troops shall be forwarded to the Adjutant General. When audited by the State Military Board and approved by the Governor the said vouchers shall be paid from the Military Fund of the State.

Duty at encampment—officers receive.
Enlisted men.

Allowed for horse.

Vouchers to adjutant general.

Audited and approved by.

Paid from military fund.

Sec. 12. Payments under the preceeding [preceeding] sections shall be made by the Inspector General; no voucher for any such payment shall be audited unless certified as correct by the proper commanding officer and passed upon by the State Military Board; pay-rolls of companies, troops and batteries and also of field and staff officers, non-commis-

How certified and paid.

sioned staff and bands of regiments, and squadrons shall be furnished and certified to by the commanding officers of such organizations.

ARTICLE VI.

Military Courts.

Section 1. The military courts of this State shall be:

Titles of courts.

- (a) Courts of Inquiry.
- (b) General Courts Martial.
- (c) Summary Courts.

Courts of inquiry—how ordered.

Sec. 2. Courts of Inquiry may be ordered under such regulations as may be prescribed by the Military Board in the code of regulations provided for in Section 9 of Article IV. of this Act.

General courts martial.

Sec. 3. General Courts Martial for the trial of officers and enlisted men upon charges and specifications preferred by commissioned officers shall be ordered by the Commander-in-Chief and shall consist of not less than five nor more than thirteen members, and a Judge Advocate. The jurisdiction of and the mode of procedure of General Courts Martial shall conform to the jurisdiction and practice of like courts in the United States Army.

Consist of.

Jurisdiction and mode of procedure.

Minor offenses.

Sec. 4. For the trial of enlisted men for minor offenses, the senior officer at the station of any part of the National Guard of Colorado may at any time order a Summary Court Martial to consist of the line officer next in rank at the station of the command. Said court shall have power to administer oaths, compel the attendance of and to examine witnesses; Provided, That, no sentence of said court shall be of effect until it shall have been approved by the Commander-in-Chief; Provided, further, That in case the officer second in rank at the station of any command shall have preferred the charges on which an enlisted man is to be tried, then the senior officer at that station shall constitute the court. The order

Summary courts martial.

Powers.

Sentences approved by.

How court constituted.

for such court stating the time and place of the convening thereof shall be served by personal delivery. The mode of procedure [procedure] of Summary Courts shall be established by the Military Board in the code of regulations. Mode of procedure established by code.

Sec. 5. The proceedings of all General Courts Martial and all papers relating thereto shall be transmitted to the Adjutant General for the action of the Commander-in-Chief. Proceedings of general courts martial to adjutant general.

Sec. 6. The President of a General Court Martial, Court of Inquiry or a Summary Court may issue subpoenas and force the attendance of witnesses and punish a refusal to be sworn as provided for in civil courts. May issue subpoenas as in civil courts.

Sec. 7. For a fine or penalty assessed, or dues levied against a minor, in case such minor enlisted with the consent of his father, master or guardian, the father shall be liable jointly with his son, the master with his apprentice, and the guardian with his ward, to the amount of funds in his hands belonging to said apprentice or ward. Penalties and dues against minors—who liable.

Sec. 8. Dues levied by the by-laws of any organization may be collected by civil suit. All fines shall be assessed in the name of the State. All suits for the collection of fines or dues shall be brought in the name of the State of Colorado for the use of the company, troop or battery to which the accused belong. Dues and fines—how collected.

Sec. 9. When fines or penalties assessed by Courts Martial or Summary Courts are not paid within ten days after the sentence is approved by the reviewing officer and returned to the commandant, a list thereof and of the delinquents shall be placed in the hands of the Justices of the Peace within the townships in which the delinquents reside, who shall thereupon render judgement [judgment] against such delinquents separately, together with the costs of suit, without issuing process and shall issue execution thereon, directed to any Con- If not paid. List of delinquents to justice of peace. Render judgment.

Constable collect.

Pay over to Justice.

Fines and dues to treasurer.

Placed to military fund.

Where chattels insufficient to satisfy.

May imprison without bail.

Limit of imprisonment.

Proviso.

stable of the proper township who shall collect the same, and the moneys so collected shall after deduction of costs be paid over to such Justice who shall immediately dispose of the same as herein provided.

Sec. 10. Fines assessed by Summary Courts and dues shall, when collected, be paid to the Treasurer of the proper company, troop or battery, and all other fines shall, when collected, be paid into the treasury of the proper county to be placed to the credit of the State Military Fund.

Sec. 11. Whenever any Constable to whom execution shall have been issued as provided in Section 9 of this article, shall fail to discover sufficient goods and chattels to satisfy the same, he shall take the body of such delinquent and convey him to the common jail of such county; the jailor shall keep the said delinquent closely confined without bail for one day for any fine or penalty not exceeding one dollar and one additional day for each additional dollar unless the fine or penalty, together with the costs be sooner paid; but no such imprisonment shall extend beyond the period of ten days; Provided, however, That the prisoner may be liberated at any time by order of the officer who ordered the court that imposed the fine and penalties.

ARTICLE VII

Miscellaneous.

May be ordered into service of United States.

Sec. 1. The National Guard of this State may be ordered into the service of the United States by the President of the United States for any purpose for which he is authorized to use the militia of the States by the Constitution and Statutes of the United States.

Governor order to suppress insurrection.

Where emergency is great.

Sec. 2. When an invasion of or insurrection in the State is made or threatened the Governor shall order the National Guard to repel or suppress the same; Provided, That when the emergency is great and time will not admit of communication with the

Governor the commanding officer of any portion of the National Guard stationed at the scene of trouble may assemble his command and after taking steps to notify the Governor in the most speedy manner possible, aid the civil officers in repelling invasion or suppressing insurrection.

Commanding officer notify governor and aid civil officers.

Sec. 3. When there is in any town, city or county a tumult, riot, mob or body of men, acting together by force with attempt to commit a felony, or to offer violence to persons or property, or by force and violence to break and resist the laws of the State, or when such tumult, riot or mob is threatened and the fact is made to appear to the Governor, the Sheriff of the county, or the Mayor of the city or town, the Governor may issue his order, or such Sheriff or Mayor may issue a call directed to any commanding officer of any portion of the National Guard within the limits of their jurisdiction, directing him to order his command to appear at a time and place designated, to aid the civil authority to suppress such violence and to support the law.

Mobs.

Governor issue order.

Sheriff or mayor issue call to commanding officer.

Sec. 4. The officer to whom the order or call is directed shall forthwith order the troops therein mentioned to parade at the time and place appointed; and if he neglect or refuse to obey, or if any officer refuses or neglects to obey any such order issued in pursuance [pursuance] of any such call he shall be cashiered, and be further punished by a fine of not less than one hundred dollars and not more than one thousand dollars or imprisonment not exceeding six months, or both, at the discretion of a court martial; or, a person who advises or endeavors to persuade an officer or soldier to refuse or neglect to appear at such place, or to obey such order, shall on conviction thereof by the County Court be imprisoned not to exceed six months or fined not to exceed one thousand dollars, or both, at the discretion of the Court. All fines assessed under this section shall be paid to the Treasurer of State for the benefit of the State Military Fund.

Officer order troops forthwith.

Penalty for refusal.

Punishment for persons advising or persuading.

Fines to state treasurer for military fund.

How notice given when troops ordered out. Sec. 5. When the commanding officer of a company, troop or battery, orders out his command for such duty, he may order enlisted men to notify the men enrolled in such organization to appear at the time and place appointed. These men shall give notice of such time and place of meeting to each man personally, or by leaving at his usual place of abode a written or printed order, signed by the enlisted man serving the same, which notice shall be sufficient warning.

Refusal to serve or heed notice. Sec. 6. Every enlisted man who refuses or neglects to serve such notice when duly ordered so to do, and every officer and enlisted man who having been served with notice as provided in the preceeding [preceding] section refuses or neglects to obey the same promptly shall be fined not less than ten nor more than one hundred dollars at the discretion of a court martial; all fines assessed under this section shall be paid to the Treasurer of the State for the benefit of the State Military Fund.

Penalty.

Fines to state treasurer for military fund.

Adjutant general furnish blank forms for returns. Sec. 7. The Adjutant General shall furnish to commandants of regiments, squadrons, batteries, etc., blank forms of rolls, bonds, and the different returns required to be made by them; he shall from time to time, explain the principles upon which returns should be made, and may make such general regulation concerning the same as will best promote uniformity in their rendition, and arrange for such practical details as are required to make the system complete; and he shall keep the papers, volumes and records of the department in an office provided by the State, and make and submit to the Governor, at least thirty days before each meeting of the General Assembly, a report on all matters coming [coming] with-in [within] this department.

Explain and regulate same.

Submit report to governor.

Records of companies—by whom kept. Sec. 8. Adjutants of regiments and squadrons, and First Sergeants of troops, batteries, companies, etc., shall attend to and record in books to be provided for that purpose all returns made; and perform

such other duties as may from time to time be required of them by the commandant of the organization. In case of their absence suitable persons shall be appointed to perform their duties.

Sec. 9. The commanding officer of each company, troop or battery, shall annually in March, furnish the Adjutant General, a muster roll of his company, and shall within ten days after each Encampment required by law, make a return to the regimental or squadron commander showing the state of his company with the number enrolled therein, and the condition of all of their arms, uniform, equipments and ammunitions. The commander of each regiment, squadron, battery, shall within twenty days after each Encampment make to the Brigadier General a like return of his command. The Brigadier General shall within ten days thereafter make a like return for the brigade to the Adjutant General. The Adjutant General may order such additional returns and muster rolls as he may deem expedient.

Muster rolls
and returns—by
whom made.

Sec. 10. Every officer or other person having the custody or control of the military property of the State, shall from time to time, make a return of the same in such form and to such departments as the regulations may require.

Same.

Sec. 11. Every person having custody of the funds of any military organization shall enter into bond in twice the amount likely to be held in his hands at any time, but never in less amount than one hundred dollars, with not less than two good and sufficient sureties to be approved by the County Clerk of the county in which such sureties reside, payable to the State of Colorado for the use of such organization, for the faithful and honest discharge of his duties and the careful keeping and disbursements of said fund according to its by-laws.

Custodians of
funds give
bonds in double
amount held.

County clerk
approve.

Sec. 12. The Governor shall from time to time cause such numbers of this Act as may be deemed

Governor have
printed.

Adjutant general distribute.

necessary to be printed and the same shall be distributed to the National Guard by the Adjutant General.

Burglary to disturb military property.

Sec. 13. Whosoever in the day or night season breaks into or enters any building where military property of the State or of the United States is kept shall be deemed guilty of burglary and punished accordingly.

Pay for officers and witnesses at courts martial.

Sec. 14. Officers ordered on courts martial, or witnesses in attendance thereon shall be entitled to pay under Section 10 of Article V. of this Act, and mileage in going to and returning therefrom.

Can not be arrested on civil process when on duty.

Sec. 15. No person belonging to the military forces of the State shall be arrested on any civil process while going to, remaining at, or returning from any place at which he may be required to attend to military duties.

Pass free over toll roads and bridges.

Sec. 16. All persons belonging to the military forces of the State, going to or returning from any parade, encampment, drill or meeting, which they may be required by law to attend shall, together with their conveyances and the military property of the State be allowed to pass free through all toll gates and over all toll bridges and roads; and on all railways over which troops may be required to pass during Annual Encampments, or in times of disorder, they shall be transported in organized bodies at a rate not to exceed two cents per mile for each officer or soldier so transported.

Not exceed two cents per mile on railroads.

Exempt from jury duty if serve five years.

Sec. 17. Every person who shall have served for a period of five years as a member of the National Guard of Colorado and shall have been honorably discharged therefrom shall forever be exempt from involuntary jury duty.

Refusal to deliver military property.

Sec. 18. Any person who shall purchase, retain or have in custody or possession without right, any military properties belonging to the State, and shall after proper demand refuse to deliver the same to any officer entitled to take possession thereof,

shall be liable to an action for the recovery of such Penalty. military property and to a penalty of not less than ten nor more than one hundred dollars.

Sec. 19. It shall not be lawful for any body of men whatsoever, other than the regularly organized National Guard or the troops of the United States, to associate themselves together as a military company or organization, or to parade in public, with arms in any part of the State without the license of the Governor therefor, which may at any time be revoked; nor shall it be lawful for any city or town to raise or appropriate any moneys toward arming, equipping, uniforming or in any way supporting or sustaining, or providing drill rooms or armories for such bodies of men; Provided, however, That this section shall not apply to the posts of the Grand Army of the Republic. Unlawful to associate as military company without authority. Unlawful for municipality to equip or sustain same. Proviso.

Sec. 20, Whoever offends against the provisions of the preceeding [preceding] section, or belongs to or parades with any such unauthorized body of men with arms shall be punished by a fine not exceeding the sum of ten dollars for each offence or by imprisonment for a term not exceeding six months. Penalty for violation.

Sec. 21. Every officer or soldier wounded or disabled while in active service, or who becomes ill by reason of such service, shall be taken care of and provided for at the expense of the State until he shall have recovered. If disabled in service, state pay expense.

Sec. 22. The United States troops or forces, or any portion of the National Guard of Colorado, parading or performing any duty according to law, shall have the right of way in any street or highway through which they may pass; Provided, That the carriage of the United States mails, the legitimate functions of the police, and the progress and operations of fire engines and fire departments shall not be interfered with thereby. Have right of way. Proviso.

Sec. 23. The Board of Examiners shall consist of the Adjutant General, the Brigadier General, the Inspector General and the Judge Advocate General. Board of examiners consist of.

All general and
field officers
selected from
national guard.

Sec 24 All general and field officers, the Adjutant General, the Assistant Adjutant General, the Inspector General, the Assistant Quartermaster General and the Assistant Commissary General shall be appointed by the Governor by selection from members of the National Guard.

Repeal.

Sec, 25. That all laws and parts of laws conflicting with the provisions of this Act are hereby repealed.

Approved April 13, 1897.

CHAPTER 64.

NEGOTIABLE INSTRUMENTS.

(S. B. No. 289.)

AN ACT

RELATING TO NEGOTIABLE INSTRUMENTS; REPEALING SECTIONS 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 1630, 2463, 2464, 2465 OF THE GENERAL STATUTES OF COLORADO 1883, AND ALL OTHER ACTS AND PARTS OF ACTS IN CONFLICT WITH THIS ACT.

Be it Enacted by the General Assembly of the State of Colorado:

TITLE I.

NEGOTIABLE INSTRUMENTS IN GENERAL.

ARTICLE I.

Form and Interpretation.

Section 1. An instrument to be negotiable must conform to the following requirements:

How made.

1. It must be in writing and signed by the maker or drawer;

Contents.

2. Must contain an unconditional promise or order to pay a sum certain in money;

3. Must be payable on demand, or at a fixed or When payable.
determinable future time;

4. Must be payable to order or to bearer; and, How payable.

5. Where the instrument is addressed to a Drawee indi-
drawee, he must be named or otherwise indicated cated.
therein with reasonable certainty.

Sec. 2. The sum payable is a sum certain Sum payable.
within the meaning of this Act, although it is to be
paid:

1. With interest; or Interest.

2. By stated installments; or Installments.

3. By stated installments, with a provision that
upon default in payment of any installment or of Default.
interest, the whole shall become due; or

4. With exchange, whether at a fixed rate or at Exchange.
the current rate; or

5. With costs of collection or an attorney's fee, Collection costs.
in case payment shall not be made at maturity.

Sec. 3. An unqualified order or promise to pay Unconditional.
is unconditional within the meaning of this Act,
though coupled with:

1. An indication of a particular fund out of Particular fund.
which reimbursement is to be made, or a particular
account to be debited with the amount; or

2. A statement of the transaction which gives Statement.
rise to the instrument.

But an order or promise to pay out of a par-
ticular fund is not unconditional.

Sec. 4. An instrument is payable at a deter- When payable.
minable future time, within the meaning of this Act,
which is expressed to be payable:

1. At a fixed period after date or sight; or

2. On or before a fixed or determinable future Fixed time.
time specified therein; or

3. On or at a fixed period after the occurrence
of a specified event, which is certain to happen,
though the time of happening be uncertain.

On contingency
not negotiable.

An instrument payable upon a contingency is not negotiable, and the happening of the event does not cure the defect.

Note containing
agreement to
act, not nego-
tiable.

Sec. 5. An instrument which contains an order or promise to do any act in addition to the payment of money is not negotiable. But the negotiable character of an instrument otherwise negotiable is not affected by a provision which:

May sell collat-
eral.

1. Authorizes the sale of collateral securities in case the instrument be not paid at maturity; or

Confession of
judgment.

2. Authorizes a confession of judgment if the instrument be not paid at maturity; or

Waiver.

3. Waives the benefit of any law intended for the advantage or protection of the obligor; or

Election.

4. Gives the holder an election to require something to be done in lieu of payment of money.

But nothing in this section shall validate any provision or stipulation otherwise illegal.

Validity and ne-
gotiability not
affected by.

Sec. 6. The validity and negotiable character of an instrument are not affected by the fact that:

Date.

1. It is not dated; or

Value.

2. Does not specify the value given, or that any value has been given therefor; or

Place.

3. Does not specify the place where it is drawn or the place where it is payable; or

Seal.

4. Bears a seal; or

Money descrip-
tion.

5. Designates a particular kind of current money in which payment is to be made.

But nothing is [in] this section shall alter or repeal any statute requiring in certain cases the nature of the consideration to be stated in the instrument.

When payable
on sight.

Sec. 7. An instrument is payable on demand:

1. Where it is expressed to be payable on demand, or at sight, or on presentation; or

2. In which no time for payment is expressed.

Where an instrument is issued, accepted or indorsed when overdue, it is, as regards the person so issuing, accepting or indorsing it, payable on demand.

Sec. 8. The instrument is payable to order When payable to order. where it is drawn payable to the order of a specified person or to him or his order. It may be drawn payable to the order of:

1. A payee who is not maker, drawer OR May be drawn to the order of. drawee; or
2. The drawer or maker; or
3. The drawee; or
4. Two or more payees jointly; or
5. One or some of several payees; or
6. The holder of an office for the time being. Officer.

Where the instrument is payable to order the payee must be named or otherwise indicated therein with reasonable certainty.

Sec. 9. The instrument is payable to bearer: When payable to bearer.

1. When it is expressed to be so payable; or
2. When it is payable to a person named therein or bearer; or
3. When it is payable to the order of a fictitious or non-existing person, and such fact was known to the person making it so payable; or
4. When the name of the payee does not purport to be the name of any person; or
5. When the only or last indorsement is an indorsement in blank.

Sec. 10. The instrument need not follow the Form. language of this Act, but any terms are sufficient which clearly indicate an intention to conform to the requirements hereof.

Sec. 11. Where the instrument or an acceptance or any indorsement thereon is dated, such date Date of indorsement. is deemed *prima facie* to be the true date of the making, drawing, acceptance or indorsement as the case may be.

May be ante or
post-dated.

Sec. 12. The instrument is not invalid for the reason only that it is ante-dated or post-dated, provided this is not done for an illegal or fraudulent purpose. The person to whom an instrument so dated is delivered acquires the title thereto as of the date of delivery.

When undated.

Sec. 13. Where an instrument expressed to be payable at a fixed period after date is issued undated, or where the acceptance of an instrument payable at a fixed period after sight is undated, any holder may insert therein the true date of issue or acceptance, and the instrument shall be payable accordingly. The insertion of a wrong date does not avoid the instrument in the hands of a subsequent holder in due course; but as to him, the date so inserted is to be regarded as the true date.

Wrong date.

Filling blanks.

Sec. 14. Where the instrument is wanting in any material particular, the person in possession thereof has a *prima facie* authority to complete it by filling up the blanks therein. And a signature on a blank paper delivered by the person making the signature in order that the paper may be converted into a negotiable instrument operates as a *prima facie* authority to fill it up as such for any amount. In order, however, that any such instrument when completed, may be enforced against any person who became a party thereto prior to its completion, it must be filled up strictly in accordance with the authority given and within a reasonable time. But if any such instrument, after completion, is negotiated to a holder in due course, it is valid and effectual for all purposes in his hands, and he may enforce it as if it had been filled up strictly in accordance with the authority given and within a reasonable time.

Negotiated in-
strument before
completion.

Sec. 15. Where an incomplete instrument has not been delivered it will not, if completed and negotiated, without authority, be a valid contract in the hands of any holder, as against any person whose signature was placed thereon before delivery.

Sec. 16. Every contract on a negotiable instrument is incomplete and revocable until delivery of the instrument for the purpose of giving effect thereto. As between immediate parties, and as regards a remote party other than a holder in due course, the delivery, in order to be effectual, must be made either by or under the authority of the party making, drawing, accepting or indorsing, as the case may be; and in such case the delivery may be shown to have been conditional, or for a special purpose only, and not for the purpose of transferring the property in the instrument. But where the instrument is in the hands of a holder in due course, a valid delivery thereof by all parties prior to him so as to make them liable to him is conclusively presumed. And where the instrument is no longer in the possession of a party whose signature appears thereon, a valid and intentional delivery by him is presumed until the contrary is proved.

Sec. 17. Where the language of the instrument is ambiguous, or there are omissions therein, the following rules of construction apply:

When
revocable.

Ambiguous
terms and
omissions.

1. Where the sum payable is expressed in words and also in figures and there is a discrepancy between the two, the sum denoted by the words is the sum payable; but if the words are ambiguous or uncertain, references may be had to the figures to fix the amount;

Conflict of
terms.

2. Where the instrument provides for the payment of interest, without specifying the date from which interest is to run, the interest runs from the date of the instrument, and if the instrument is undated, from the issue thereof;

Interest.

3. Where the instrument is not dated, it will be considered to be dated as of the time it was issued;

No date.

4. Where there is a conflict between the written and printed provisions of the instrument, the written provisions prevail;

Conflict of
terms.

- Bill or note.** 5. Where the instrument is so ambiguous that there is doubt whether it is a bill or note, the holder may treat it as either at his election;
- Doubtful signature.** 6. Where a signature is so placed upon the instrument that it is not clear in what capacity the person making the same intended to sign, he is to be deemed an indorser;
- Where jointly liable.** 7. Where an instrument containing the words "I promise to pay" is signed by two or more persons, they are deemed to be jointly and severally liable thereon.
- Assumed name.** Sec. 18. No person is liable on the instrument whose signature does not appear thereon, except as herein otherwise expressly provided. But one who signs in a trade or assumed name will be liable to the same extent as if he had signed in his own name.
- Signature by agent.** Sec. 19. The signature of any party may be made by a duly authorized agent. No particular form of appointment is necessary for this purpose; and the authority of the agent may be established as in other cases of agency.
- Agent's liability.** Sec. 20. Where the instrument contains or a person adds to his signature words indicating that he signs for or on behalf of a principal, or in a representative capacity, he is not liable on the instrument if he was duly authorized; but the mere addition of words describing him as an agent, or as filling a representative character, without disclosing his principal, does not exempt him from personal liability.
- Liability of principal.** Sec. 21. A signature by "procuration" operates as notice that the agent has but a limited authority to sign, and the principal is bound only in case the agent in so signing acted within the actual limits of his authority.
- By corporation.** Sec. 22. The indorsement or assignment of the instrument by a corporation or by an infant passes the property therein, notwithstanding that from want of capacity the corporation or infant may incur no liability thereon.

Sec. 23. Where a signature is forged or made Forged. without the authority of the person whose signature it purports to be, it is wholly inoperative, and no right to retain the instrument, or to give a discharge therefor, or to enforce payment thereof against any party thereto, can be acquired through or under such signature, unless the party, against whom it is sought to enforce such right, is precluded from setting up the forgery or want of authority.

ARTICLE II.

Consideration.

Sec. 24. Every negotiable instrument is deemed Prima facie *prima facie* to have been issued for a valuable consid- valid. eration; and every person whose signature appears thereon to have become a party thereto for value.

Sec. 25. Value is any consideration sufficient to Value. support a simple contract. An antecedent or pre-existing debt constitutes value; and is deemed such whether the instrument is payable on demand or at a future time.

Sec. 26. Where value has at any time been given for the instrument, the holder is deemed a holder for Holder for value. value in respect to all parties who became such prior to that time.

Sec. 27. Where the holder has a lien on the instrument, arising either from contract or by implication of law, he is deemed a holder for value to the extent of his lien. Same.

Sec. 28. Absence or failure of consideration is Failure of consideration. matter of defense as against any person not a holder in due course; and partial failure of consideration is a defense *pro tanto* whether the failure is an ascertained and liquidated amount or otherwise.

Sec. 29. An accommodation party is one who Accommodation party. has signed the instrument as maker, drawer, acceptor or indorser, without receiving value therefor, and for the purpose of lending his name to some other person.

Such a person is liable on the instrument to a holder for value, notwithstanding such holder at the time of taking the instrument knew him to be only an accommodation party.

ARTICLE III.

Negotiation.

When and how
negotiated.

Sec. 30. An instrument is negotiated when it is transferred from one person to another in such manner as to constitute the transferee the holder thereof. If payable to bearer it is negotiated by delivery; if payable to order it is negotiated by the indorsement of the holder completed by delivery.

Indorsement.

Sec. 31. The indorsement must be written on the instrument itself or upon a paper attached thereto. The signature of the indorser, without additional words, is a sufficient indorsement.

Effect of
indorsement.

Sec. 32. The indorsement must be an indorsement of the entire instrument. An indorsement, which purports to transfer to the indorsee a part only of the amount payable, or which purports to transfer the instrument to two or more indorsee severally, does not operate as a negotiation of the instrument. But where the instrument has been paid in part, it may be indorsed as to the residue.

Indorsement in
blank or
special.

Sec. 33. An indorsement may be either special or in blank; and it may also be either restrictive or qualified, or conditional.

Special.

Sec. 34. A special indorsement specifies the person to whom, or to whose order, the instrument is to be payable; and the indorsement of such indorsee is necessary to the further negotiation of the instrument. An indorsement in blank specifies no indorsee, and an instrument so indorsed is payable to bearer, and may be negotiated by delivery.

Blank.

Filling of blank
indorsement.

Sec. 35. The holder may convert a blank indorsement into a special indorsement by writing over the signature of the indorser in blank any contract consistent with the character of the indorsement.

Sec. 36. An indorsement is restrictive, which Restrictive indorsements.
either:

1. Prohibits the further negotiation of the instrument; or
2. Constitutes the indorsee the agent of the indorser; or
3. Vests the title in the indorsee in trust for or to the use of some other person.

But the mere absence of words implying power to negotiate does not make an indorsement restrictive.

Sec. 37. A restrictive indorsement confers upon Effect of restriction.
the indorsee the right:

1. To receive payment of the instrument;
2. To bring any action thereon that the indorser could bring;
3. To transfer his rights as such indorsee, where Qualified indorsement.
the form of the indorsement authorizes him to do so.

But all subsequent indorseees acquire only the What passes by indorsement.
title of the first indorsee under the restrictive indorsement.

Sec. 38. A qualified indorsement constitutes the Qualified indorsement.
indorser a mere assignor of the title to the instrument. It may be made by adding to the indorser's signature the words "without recourse" or any words of similar import. Such an indorsement does not impair the negotiable character of the instrument.

Sec. 39. Where an indorsement is conditional, a Conditional note.
party required to pay the instrument may disregard the condition, and make payment to the indorsee or his transferee, whether the condition has been fulfilled or not. But any person to whom an instrument so indorsed is negotiated, will hold the same, or the proceeds thereof, subject to the rights of the person indorsing conditionally.

Sec. 40. Where an instrument, payable to bearer, Liability of special indorser.
is indorsed specially, it may nevertheless be further

negotiated by delivery; but the person indorsing specially is liable as indorser to only such holders as make title through his indorsement.

Payable to
two or more.

Sec. 41. Where an instrument is payable to the order of two or more payees or indorsees who are not partners, all must indorse, unless the one indorsing has authority to indorse for the others.

When drawn to
cashier.

Sec. 42. Where an instrument is drawn or indorsed to a person as "Cashier" or other fiscal officer of a bank or corporation, it is deemed *prima facie* to be payable to the bank or corporation of which he is such officer; and may be negotiated by either the indorsement of the bank or corporation, or the indorsement of the officer.

Misspelled
words and
name.

Sec. 43. Where the name of a payee or indorsee is wrongly designated or misspelled, he may indorse the instrument as therein described, adding, if he think fit, his proper signature.

Indorsement by
employee.

Sec. 44. Where any person is under obligation to indorse in a representative capacity, he may indorse in such terms as to negative personal liability.

Prima facie, in-
dorsement
before due.

Sec. 45. Except where an indorsement bears date after the maturity of the instrument, every negotiation is deemed *prima facie* to have been effected before the instrument was overdue.

Where made.

Sec. 46. Except where the contrary appears every indorsement is presumed *prima facie* to have been made at the place where the instrument is dated.

Always negoti-
able when origi-
nally so.

Sec. 47. An instrument negotiable in its origin continues to be negotiable until it has been restrictively indorsed or discharged by payment or otherwise.

Holder's power
to strike out
names.

Sec. 48. The holder may at any time strike out any indorsement which is not necessary to his title. The indorser whose indorsement is struck out, and all indorsers subsequent to him, are thereby relieved from liability on the instrument.

Time of trans-
fer.

Sec. 49. Where the holder of an instrument payable to his order transfers it for value without indors-

ing it, the transfer vests in the transferee such title as the transferer had therein, and the transferee acquires, in addition, the right to have the indorsement of the transferer if omitted by mistake, accident or fraud. But for the purpose of determining whether the transferee is a holder in due course, the negotiation takes effect as of the time when the indorsement is actually made.

Sec. 50. Where an instrument is negotiated back to a prior party, such party may, subject to the provisions of this Act, reissue and further negotiate the same. But he is not entitled to enforce payment thereof against any intervening party to whom he was personally liable. Negotiated back.

ARTICLE IV.

Rights of the Holder.

Sec. 51. The holder of a negotiable instrument may sue thereon in his own name; and payment to him in due course discharges the instrument. Holder may sue.

Sec. 52. A holder in due course is a holder who has taken the instrument under the following conditions: Who is holder in due course.

1. That it is complete and regular upon its face;
2. That he became the holder of it before it was overdue, and without notice that it had been previously dishonored, if such was the fact;
3. That he took it in good faith and for value;
4. That at the time it was negotiated to him he had no notice of any infirmity in the instrument or defect in the title of the person negotiating it.

Sec. 53. Where an instrument payable on demand is negotiated an unreasonable length of time after its issue, the holder is not deemed a holder in due course. When not holder in due course,

Sec. 54. Where the transferee receives notice of any infirmity in the instrument or defect in the title of the person negotiating the same before he has paid Holder subject to equity.

the full amount agreed to be paid therefor, he will be deemed a holder in due course only to the extent of the amount theretofore paid by him.

Void notes.

Sec. 55. The title of a person who negotiates an instrument is defective within the meaning of this Act when he obtained the instrument, or any signature thereto, by fraud, duress, or force and fear, or other unlawful means, or for an illegal consideration, or when he negotiates it in breach of faith, or under such circumstances as amount to a fraud.

Notice of infirmity.

Sec. 56. To constitute notice of an infirmity in the instrument or defect in the title of the person negotiating the same, the person to whom it is negotiated must have had actual knowledge of the infirmity or defect, or knowledge of such facts that his action in taking the instrument amounted to bad faith.

Title of holder in due course.

Sec. 57. A holder in due course holds the instrument free from any defect of title of prior parties, and free from defenses available to prior parties among themselves, and may enforce payment of the instrument for the full amount thereof against all parties liable thereon.

Title of others than holder in due course.

Sec. 58. In the hands of any holder other than a holder in due course, a negotiable instrument is subject to the same defenses as if it were non-negotiable. But a holder who derives his title through a holder in due course, and who is not himself a party to any fraud or illegality affecting the instrument, has all the rights of such former holder in respect of all parties prior to the latter.

Every holder prima facie holder in due course.

Sec. 59. Every holder is deemed *prima facie* to be a holder in due course; but when it is shown that the title of any person who has negotiated the instrument was defective, the burden is on the holder to prove that he or some person under whom he claims acquired the title as a holder in due course. But the last-mentioned rule does not apply in favor of a party who became bound on the instrument prior to the acquisition of such defective title.

ARTICLE V.

Liabilities of Parties.

Sec. 60. The maker of a negotiable instrument ^{Liability of} by making it engages that he will pay it according ^{maker.} to its tenor; and admits the existence of the payee and his then capacity to indorse.

Sec. 61. The drawer by drawing the instru- ^{Same.} ment admits the existence of the payee and his then capacity to indorse; and engages that on due presentment the instrument will be accepted or paid, or both, according to its tenor, and that if it be dishonored, and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder, or to any indorser who may be compelled to pay it. But the drawer may insert in the instru- ^{May limit liability.} ment an express stipulation negativizing [negativizing] or limiting his own liability to the holder.

Sec. 62. The acceptor by accepting the instru- ^{Payee accepts} ment engages that he will pay it according to the ^{limitations.} tenor of his acceptance; and admits:

1. The existence of the drawer, the genuine- ^{Admissions of} ness of his signature, and his capacity and authority ^{payee.} to draw the instrument; and

2. The existence of the payee and his then ca- ^{Same.} pacity to indorse.

Sec. 63. A person placing his signature upon ^{Who is} an instrument otherwise than as maker, drawer or ^{indorser.} acceptor is deemed to be an indorser unless he clearly indicates by appropriate words his intention to be bound in some other capacity.

Sec. 64. Where a person, not otherwise a party ^{Same.} to an instrument, places thereon his signature in blank before delivery, he is liable as indorser in accordance with the following rules:

1. If the instrument is payable to the order of a third person, he is liable to the payee and to all subsequent parties

2. If the instrument is payable to the order of the maker or drawer, or is payable to bearer, he is liable to all parties subsequent to the maker or drawer.

3. If he signs for the accommodation of the payee, he is liable to all parties subsequent to the payee.

Effect of
indorsement.

Sec. 65. Every person negotiating an instrument by delivery or by a qualified indorsement, warrants:

1. That the instrument is genuine and in all respects what it purports to be;

2. That he has a good title to it;

3. That all prior parties had capacity to contract;

4. That he has no knowledge of any fact which would impair the validity of the instrument or render it valueless.

But when the negotiation is by delivery only, the warranty extends in favor of no holder other than the immediate transferee.

The provisions of sub-division three of this section do not apply to persons negotiating public or corporate securities, other than bills and notes.

Same.

Sec. 66. Every indorser who indorses without qualification, warrants to all subsequent holders in due course:

Same.

1. The matters and things mentioned in subdivisions one, two and three of the next preceding section; and

Same.

2. That the instrument is at the time of his indorsement valid and subsisting.

And, in addition, he engages that on due presentment, it shall be accepted or paid, or both, as the case may be, according to its tenor, and that if it be dishonored, and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder, or to any subsequent indorser who may be compelled to pay it.

Sec. 67. Where a person places his indorse-^{Liability of}ment on an instrument negotiable by delivery he in-^{indorser.}curs all the liabilities of an indorser.

Sec. 68. As respects one another, indorsers are ^{Same.}liable *prima facie* in the order in which they indorse; but evidence is admissible to show that as between or among themselves they have agreed otherwise. Joint payees or joint indorsees who indorse are deemed to indorse jointly and severally.

Sec. 69. Where a broker or other agent nego-^{Liability of}tiates an instrument without indorsement, he incurs ^{broker.}all the liabilities prescribed by Section 65 of this Act, unless he discloses the name of his principal, and the fact that he is acting only as agent.

ARTICLE VI.

Presentment for Payment.

Sec. 70. Presentment for payment is not neces-^{Notice and}sary in order to charge the person primarily liable ^{demand.}on the instrument; but if the instrument is, by its terms, payable at a special place, and he is able and willing to pay it there at maturity, such ability and willingness are equivalent to a tender of payment upon his part. But except as herein otherwise provided, presentment for payment is necessary in order to charge the drawer and indorsers.

Sec. 71. Where the instrument is not payable ^{Same.}on demand, presentment must be made on the day it falls due. Where it is payable on demand, presentment must be made within a reasonable time after its issue, except that in the case of a bill of exchange, presentment for payment will be sufficient if made within a reasonable time after the last negotiation thereof.

Sec. 72. Presentment for payment, to be sufficient, must be made:

1. By the holder, or by some person authorized to receive payment on his behalf;

^{How demand}
^{must be made.}

2. At a reasonable hour on a business day;
3. At a proper place as herein defined;
4. To the person primarily liable on the instrument, or if he is absent or inaccessible, to any person found at the place where the presentment is made.

At what place.

Sec. 73. Presentment for payment is made at the proper place:

1. Where a place of payment is specified in the instrument and it is there presented;
2. Where no place of payment is specified but the address of the person to make payment is given in the instrument and it is there presented;
3. Where no place of payment is specified and no address is given and the instrument is presented at the usual place of business or residence of the person to make payment;
4. In any other case if presented to the person to make payment wherever he can be found, or if presented at his last known place of business or residence.

Must be exhibited.

Sec. 74. The instrument must be exhibited to the person from whom payment is demanded, and when it is paid must be delivered up to the party paying it.

During banking hours.

Sec. 75. Where the instrument is payable at a bank, presentment for payment must be made during banking hours, unless the person to make payment has no funds there to meet it at any time during the day, in which case presentment at any hour before the bank is closed on that day is sufficient.

After death of payor.

Sec. 76. Where the person primarily liable on the instrument is dead, and no place of payment is specified, presentment for payment must be made to his personal representative if such there be, and if with the exercise of reasonable diligence, he can be found.

Sec. 77. Where the persons primarily liable on the instrument are liable as partners, and no place of payment is specified, presentment for payment may be made to any one of them, even though there has been a dissolution of the firm. Demand on partners.

Sec. 78. Where there are several persons, not partners, primarily liable on the instrument, and no place of payment is specified, presentment must be made to them all. Demand must be made on all principals.

Sec. 79. Presentment for payment is not required in order to charge the drawer where he has no right to expect or require that the drawee or acceptor will pay the instrument. When not required.

Sec. 80. Presentment for payment is not required in order to charge an indorser where the instrument was made or accepted for his accommodation, and he has no reason to expect that the instrument will be paid if presented. Same.

Sec. 81. Delay in making presentment for payment is excused when the delay is caused by circumstances beyond the control of the holder, and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, presentment must be made with reasonable diligence. When excused.

Sec. 82. Presentment for payment is dispensed with: When dispensed with.

1. Where after the exercise of reasonable diligence presentment as required by this Act cannot be made;

2. Where the drawee is a fictitious person;

3. By waiver of presentment express or implied.

Sec. 83. The instrument is dishonored by non-payment when: When dishonored by non-payment.

1. It is duly presented for payment and payment is refused or cannot be obtained; or

2. Presentment is excused and the instrument is overdue and unpaid.

Right of action. Sec. 84. Subject to the provisions of this Act, when the instrument is dishonored by non-payment, an immediate right of recourse to all parties secondarily liable thereon, accrues to the holder.

No grace. Sec. 85. Every negotiable instrument is payable at the time fixed therein without grace. When the day of maturity falls upon Sunday, or a holiday, the instrument is payable on the next succeeding business day. Instruments falling due on any day, in any place where any part of such day is a holiday are to be presented for payment on the next succeeding business day, except that instruments payable on demand may, at the option of the holder, be presented for payment during reasonable hours of the part of such day which is not a holiday.

Notes due on Sunday or holiday.

During reasonable hours.

Day of date not a part of time. Sec. 86. Where the instrument is payable at a fixed period after date, after sight, or after the happening of a specified event, the time of payment is determined by excluding the day from which the time is to begin to run, and by including the date of payment.

Effect of term, "payable at bank."

Sec. 87. Where the instrument is made payable at a bank it is equivalent to an order to the bank to pay the same for the account of the principal debtor thereon.

Effect of payment.

Sec. 88. Payment is made in due course when it is made at or after the maturity of the instrument to the holder thereof in good faith and without notice that his title is defective.

ARTICLE VII.

Notice of Dishonor.

Notice of dishonor.

Sec. 89. Except as herein otherwise provided, when a negotiable instrument has been dishonored by non-acceptance or non-payment, notice of dishonor must be given to the drawer and to each indorser, and any drawer or indorser to whom such notice is not given is discharged.

Sec. 90. The notice may be given by or on behalf By whom. of the holder, or by or on behalf of any party to the instrument who might be compelled to pay it to the holder, and who, upon taking it up would have a right to reimbursement from the party to whom the notice is given.

Sec. 91. Notice of dishonor may be given by an To whom. agent either in his own name or in the name of any party entitled to give notice, whether that party be his principal or not.

Sec. 92. Where notice is given by or on behalf Effect of. of the holder, it enures for the benefit of all subsequent holders and all prior parties who have a right of recourse against the party to whom it is given.

Sec. 93. Where notice is given by or on behalf of Same. a party entitled to give notice, it enures for the benefit of the holder and all parties subsequent to the party to whom notice is given.

Sec. 94. Where the instrument has been dishon- Same. ored in the hands of an agent, he may either himself give notice to the parties liable thereon, or he may give notice to his principal. If he give notice to his principal, he must do so within the same time as if he were the holder, and the principal upon the receipt of such notice has himself the same time for giving notice as if the agent had been an independent holder.

Sec. 95. A written notice need not be signed and Form. an insufficient written notice may be supplemented and validated by verbal communication. A misdescription of the instrument does not vitiate the notice unless the party to whom the notice is given is in fact misled thereby.

Sec. 96. The notice may be in writing or merely Certainty of notice. oral and may be given in any terms which sufficiently identify the instrument, and indicate that it has been dishonored by non-acceptance or non-payment. It may in all cases be given by delivering it personally or through the mails.

- To whom.** Sec. 97. Notice of dishonor may be given either to the party himself or to his agent in that behalf.
- When party is dead.** Sec. 98. When any party is dead, and his death is known to the party giving notice, the notice must be given to a personal representative, if there be one, and if with reasonable diligence, he can be found. If there be no personal representative, notice may be sent to the last residence or last place of business of the deceased.
- When partners.** Sec. 99. Where the parties to be notified are partners notice to any one partner is notice to the firm even though there has been a dissolution.
- Joint parties.** Sec. 100. Notice to joint parties who are not partners must be given to each of them, unless one of them has authority to receive such notice for the others.
- To bankrupt or assignor.** Sec. 101. Where a party has been adjudged a bankrupt or an insolvent, or has made an assignment for the benefit of creditors, notice may be given either to the party himself or to his trustee or assignee.
- When given.** Sec. 102. Notice may be given as soon as the instrument is dishonored; and unless delay is excused as hereinafter provided, must be given within the times fixed by this Act.
- Time of notice.** Sec. 103. Where the person giving and the person to receive notice reside in the same place, notice must be given within the following times:
1. If given at the place of business of the person to receive notice, it must be given before the close of business hours on the day following;
 2. If given at his residence, it must be given before the usual hours of rest on the day following;
 3. If sent by mail, it must be deposited in the postoffice in time to reach him in usual course on the day following.
- Same.** Sec. 104. Where the person giving and the person to receive notice reside in different places, the notice must be given within the following times:

1. If sent by mail, it must be deposited in the postoffice in time to go by mail the day following the day of dishonor, or if there be no mail at a convenient hour on that day, by the next mail thereafter.

2. If given otherwise than through the postoffice, then within the time that notice would have been received in due course of mail, if it had been deposited in the postoffice within the time specified in the last subdivision.

Sec. 105. Where notice of dishonor is duly ad- Notice by mail.
dressed and deposited in the postoffice, the sender is deemed to have given due notice, notwithstanding any miscarriage in the mails.

Sec. 106. Notice is deemed to have been depos- How mailed.
ited in the postoffice when deposited in any branch postoffice or in any letter box under the control of the postoffice department.

Sec. 107. Where a party receives notice of dis- When time be-
honor, he has, after the receipt of such notice, the gins to run.
same time for giving notice to antecedent parties that the holder has after the dishonor.

Sec. 108. Where a party has added an address Address to sig-
to his signature, notice of dishonor must be sent to nature.
that address; but if he has not given such address, then the notice must be sent as follows:

1. Either to the postoffice nearest to his place of Where mailed.
residence, or to the postoffice where he is accustomed to receive his letters; or

2. If he live in one place, and have his place of business in another, notice may be sent to either place; or

3. If he is sojourning in another place, notice may be sent to the place where he is sojourning.

But where the notice is actually received by the party within the time specified in this Act, it will be sufficient, though not sent in accordance with the requirements of this section.

Waiver of
notice.

Sec. 109. Notice of dishonor may be waived, either before the time of giving notice has arrived, or after the omission to give due notice, and the waiver may be express or implied.

In instrument.

Sec. 110. Where the waiver is embodied in the instrument itself, it is binding upon all parties; but where it is written above the signature of an indorser, it binds him only.

Waiver of pro-
test.

Sec. 111. A waiver of protest, whether in the case of a foreign bill of exchange or other negotiable instrument, is deemed to be a waiver not only of a formal protest, but also of presentment and notice of dishonor.

When dispensed
with.

Sec. 112. Notice of dishonor is dispensed with when after the exercise of reasonable diligence, it cannot be given to or does not reach the parties sought to be charged.

When delay of
notice excused.

Sec. 113. Delay in giving notice of dishonor is excused when the delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, notice must be given with reasonable diligence.

When notice
not required.

Sec. 114. Notice of dishonor is not required to be given to the drawer in either of the following cases:

1. Where the drawer and drawee are the same person;

2. Where the drawee is a fictitious person or a person not having capacity to contract;

3. Where the drawer is the person to whom the instrument is presented for payment;

4. Where the drawer has no right to expect or require that the drawee or acceptor will honor the instrument;

5. Where the drawer has countermanded payment.

Same.

Sec. 115. Notice of dishonor is not required to be given to an indorser in either of the following cases:

1. Where the drawee is a fictitious person or a person not having capacity to contract, and the indorser was aware of the fact at the time he indorsed the instrument;

2. Where the indorser is the person to whom the instrument is presented for payment;

3. Where the instrument was made or accepted for his accommodation.

Sec. 116. Where due notice of dishonor by non-acceptance has been given, notice of a subsequent dishonor by non-payment is not necessary, unless in the meantime the instrument has been accepted. Subsequent notice unnecessary.

Sec. 117. An omission to give notice of dishonor by non-acceptance does not prejudice the rights of a holder in due course subsequent to the omission. Effect of failure to give notice.

Sec. 118. Where any negotiable instrument has been dishonored it may be protested for non-acceptance or non-payment as the case may be; but protest is not required, except in the case of foreign bills of exchange. When note can be protested. Foreign exchange.

ARTICLE VIII.

Discharge of Negotiable Instruments.

Sec. 119. A negotiable instrument is discharged: When discharged.

1. By payment in due course by or on behalf of the principal debtor;

2. By payment in due course by the party accommodated, where the instrument is made or accepted for accommodation;

3. By the intentional cancelation thereof by the holder;

4. By any other act which will discharge a simple contract for the payment of money;

5. When the principal debtor becomes the holder of the instrument at or after maturity in his own right.

Same.

Sec. 120. A person secondarily liable on the instrument is discharged: -

1. By any act which discharges the instrument;
2. By the intentional cancelation of his signature by the holder;
3. By the discharge of a prior party;
4. By a valid tender of payment made by a prior party;
5. By a release of the principal debtor, unless the holder's right of recourse against the party secondarily liable is expressly reserved;
6. By any agreement binding upon the holder to extend the time of payment, or to postpone the holder's right to enforce the instrument, unless made with the assent of the party secondarily liable, or unless the right of recourse against such party is expressly reserved.

Payment by indorser no discharge.

Sec. 121. Where the instrument is paid by a party secondarily liable thereon, it is not discharged; but the party so paying it is remitted to his former rights as regards all prior parties, and he may strike out his own and all subsequent indorsements, and again negotiate the instrument, except:

1. Where it is payable to the order of a third person, and has been paid by the drawer; and
2. Where it was made or accepted for accommodation, and has been paid by the party accommodated.

Holder may release his claim against any party to instrument.
Effect.

Sec. 122. The holder may expressly renounce his rights against any party to the instrument, before, at or after its maturity. An absolute and unconditional renunciation of his rights against the principal debtor made at or after the maturity of the instrument discharges the instrument. But a renunciation does not affect the rights of a holder in due course without notice. A renunciation must be in writing, unless the instrument is delivered up to the person primarily liable thereon.

How made.

Sec. 123. A cancelation made unintentionally, ^{Cancelation by mistake.} or under a mistake, or without the authority of the holder, is inoperative; but where an instrument or any signature thereon appears to have been canceled the burden of proof lies on the party who alleges that the cancelation was made unintentionally, or under a mistake or without authority.

Sec. 124. Where a negotiable instrument is ^{Unauthorized alterations.} materially altered without the assent of all parties liable thereon, it is avoided, except as against a party who has himself made, authorized or assented to the alteration and subsequent indorsers.

But when an instrument has been materially ^{Must be materially.} altered and is in the hands of a holder in due course, not a party to the alteration, he may enforce payment thereof according to its original tenor.

Sec. 125. Any alteration which changes: ^{What is material.}

1. The date;
2. The sum payable, either for principal or interest;
3. The time or place of payment;
4. The number or the relations of the parties;
5. The medium or currency in which payment is to be made;

Or which adds a place of payment where no place of payment is specified, or any other change or addition which alters the effect of the instrument in any respect, is a material alteration.

TITLE II.

BILLS OF EXCHANGE.

ARTICLE I.

Form and Interpretation.

Sec. 126. A bill of exchange is an unconditional order in writing addressed by one person to ^{Bill of exchange.} another, signed by the person giving it, requiring the

person to whom it is addressed to pay on demand or at a fixed or determinable future time a sum certain in money to order or to bearer.

Liability of drawee.

Sec. 127. A bill of itself does not operate as an assignment of the funds in the hands of the drawee available for the payment thereof and the drawee is not liable on the bill unless and until he accepts the same.

Joint drawees.

Sec. 128. A bill may be addressed to two or more drawees jointly, whether they are partners or not; but not to two or more drawees in the alternative or in succession.

Inland bill of exchange.

Foreign bills of exchange.

Sec. 129. An inland bill of exchange is a bill which is, or on its face purports to be, both drawn and payable within this State. Any other bill is a foreign bill. Unless the contrary appears on the face of the bill, the holder may treat it as an inland bill.

When bill or note.

Sec. 130. Where in a bill drawer and drawee are the same person, or where the drawee is a fictitious person, or a person not having capacity to contract, the holder may treat the instrument, at his option, either as a bill of exchange or a promissory note.

Insertions.

Sec. 131. The drawer of a bill and any indorser may insert thereon the name of a person to whom the holder may resort in case of need, that is to say, in case the bill is dishonored by non-acceptance or non-payment. Such person is called the referee in case of need. It is in the option of the holder to resort to the referee in case of need or not as he may see fit.

ARTICLE II.

Acceptance.

How accepted.

Sec. 132. The acceptance of a bill is the signification by the drawee of his assent to the order of the drawer. The acceptance must be in writing

and signed by the drawee. It must not express that the drawee will perform his promise by any other means than the payment of money.

Sec. 133. The holder of a bill presenting the same for acceptance may require that the acceptance be written on the bill and if such request is refused, may treat the bill as dishonored. Refusal to put in writing.

Sec. 134. Where an acceptance is written on a paper other than the bill itself, it does not bind the acceptor except in favor of a person to whom it is shown and who, on the faith thereof, receives the bill for value. When on other paper.

Sec. 135. An unconditional promise in writing to accept a bill before it is drawn is deemed an actual acceptance in favor of every person who, upon the faith thereof, receives the bill for value. May be accepted before drawn.

Sec. 136. The drawee is allowed twenty-four hours after presentment in which to decide whether or not he will accept the bill; but the acceptance if given dates as of the day of presentation. Time for acceptance.

Sec. 137. Where a drawee to whom a bill is delivered for acceptance destroys the same, or refuses within twenty-four hours after such delivery, or within such other period as the holder may allow, to return the bill accepted or non-accepted to the holder, he will be deemed to have accepted the same. Destroyed.

Sec. 138. A bill may be accepted before it has been signed by the drawer, or while otherwise incomplete, or when it is overdue, or after it has been dishonored by a previous refusal to accept, or by non-payment. But when a bill payable after sight is dishonored by non-acceptance and the drawee subsequently accepts it, the holder, in the absence of any different agreement, is entitled to have the bill accepted as of the date of the first presentment. May be accepted before drawn. Exception.

Sec. 139. An acceptance is either general or qualified. A general acceptance assents without Character of acceptance.

qualification to the order of the drawer. A qualified acceptance in express terms varies the effect of the bill as drawn.

Where accepted. Sec. 140. An acceptance to pay at a particular place is a general acceptance unless it expressly states that the bill is to be paid there only and not elsewhere.

How qualified. Sec. 141. An acceptance is qualified, which is:

1. Conditional, that is to say, which makes payment by the acceptor dependent on the fulfillment of a condition therein stated;
2. Partial, that is to say, an acceptance to pay part only of the amount for which the bill is drawn;
3. Local, that is to say, an acceptance to pay only at a particular place;
4. Qualified as to time;
5. The acceptance of some one or more of the drawees, but not of all.

Holder may refuse qualified acceptance. Sec. 142. The holder may refuse to take a qualified acceptance, and if he does not obtain an unqualified acceptance, he may treat the bill as dishonored by non-acceptance. Where a qualified acceptance is taken, the drawer and indorsers are discharged from liability on the bill, unless they have expressly or impliedly authorized the holder to take a qualified acceptance, or subsequently assent thereto. When the drawer or an indorser receives notice of a qualified acceptance, he must within a reasonable time express his dissent to the holder, or he will be deemed to have assented thereto.

Effect of qualified acceptance.

Notice of refusal.

ARTICLE III.

Presentment for Acceptance.

Presentment for acceptance. Sec. 143. Presentment for acceptance must be made:

After sight. 1. Where the bill is payable after sight, or in any other case where presentment for acceptance is necessary in order to fix the maturity of the instrument; or

2. Where the bill expressly stipulates that it shall be presented for acceptance; or

3. Where the bill is drawn payable elsewhere than at the residence or place of business of the drawee.

In no other case is presentment for acceptance necessary in order to render any party to the bill liable.

Sec. 144. Except as herein otherwise provided, the holder of a bill which is required by the next preceding section to be presented for acceptance must either present it for acceptance or negotiate it within a reasonable time. If he fail to do so, the drawer and all indorsers are discharged. Time for presentment.

Sec. 145. Presentment for acceptance must be made by or on behalf of the holder at a reasonable hour, on a business day and before the bill is overdue, to the drawee or some person authorized to accept or refuse acceptance on his behalf; and: By whom. To whom.

1. Where a bill is addressed to two or more drawees who are not partners, presentment must be made to them all, unless one has authority to accept or refuse acceptance for all, in which case presentment may be made to him only; To joint parties.

2. Where the drawee is dead, presentment may be made to his personal representative; When drawee dead.

3. Where the drawee has been adjudged a bankrupt or an insolvent or has made an assignment for the benefit of creditors, presentment may be made to him or to his trustee or assignee. When drawee bankrupt or assigned.

Sec. 146. A bill may be presented for acceptance on any day on which negotiable instruments may be presented for payment under the provisions of Sections 72 and 85 of this Act. When any day is in part a holiday, presentment for acceptance may be made during reasonable hours of the part of such day which is not a holiday. When presented. Holiday.

Sec. 147. Where the holder of a bill drawn payable elsewhere than at the place of business or the When presentment can be excused.

residence of the drawee has not time with the exercise of reasonable diligence to present the bill for acceptance before presenting it for payment on the day that it falls due, the delay caused by presenting the bill for acceptance before presenting it for payment is excused and does not discharge the drawers and indorsers.

Same.

Sec. 148. Presentment for acceptance is excused and a bill may be treated as dishonored by non-acceptance, in either of the following cases:

1. Where the drawee is dead, or has absconded, or is a fictitious person or a person not having capacity to contract by bill;

2. Where after the exercise of reasonable diligence, presentment cannot be made;

3. Where although presentment has been irregular, acceptance has been refused on some other ground.

When dishonored.

Sec. 149. A bill is dishonored by non-acceptance:

1. When it is duly presented for acceptance and such an acceptance as is prescribed by this Act is refused or cannot be obtained; or

2. When presentment for acceptance is excused and the bill is not accepted.

Sec. 150. Where a bill is duly presented for acceptance and is not accepted within the prescribed time, the person presenting it must treat the bill as dishonored by non-acceptance or he loses the right of recourse against the drawer and indorsers.

Right of recourse.

Same.

Sec. 151. When a bill is dishonored by non-acceptance, an immediate right of recourse against the drawers and indorsers accrues to the holder and no presentment for payment is necessary.

ARTICLE IV.

Protest.

Dishonored foreign bill must be protested.

Sec. 152. Where a foreign bill appearing on its face to be such is dishonored by non-acceptance, it

must be duly protested for non-acceptance, and where such a bill which has not previously been dishonored by non-acceptance is dishonored by non-payment, it must be duly protested for non-payment. If it is not so protested, the drawer and indorsers are discharged. Where a bill does not appear on its face to be a foreign bill, protest thereof in case of dishonor is unnecessary.

Sec. 153. The protest must be annexed to the bill, or must contain a copy thereof, and must be under the hand and seal of the notary making it, and must specify:

1. The time and place of presentment;
2. The fact that presentment was made and the manner thereof;
3. The cause or reason for protesting the bill;
4. The demand made and the answer given, if any, or the fact that the drawee or acceptor could not be found.

Sec. 154. Protest may be made by:

Protest made,
by whom.

1. A notary public; or
2. By any respectable resident of the place where the bill is dishonored, in the presence of two or more credible witnesses.

Sec. 155. When a bill is protested, such protest must be made on the day of its dishonor, unless delay is excused as herein provided. When a bill has been duly noted, the protest may be subsequently extended as of the date of the noting.

Effect of.

Sec. 156. A bill must be protested at the place where it is dishonored, except that when a bill drawn payable at the place of business or residence of some person other than the drawee, has been dishonored by non-acceptance, it must be protested for non-payment at the place where it is expressed to be payable, and no further presentment for payment to, or demand on, the drawee is necessary.

Where pro-
tested.

Second protest. Sec. 157. A bill which has been protested for non-acceptance may be subsequently protested for non-payment.

Where acceptor bankrupt or assigned. Sec. 158. Where the acceptor has been adjudged a bankrupt or an insolvent or has made an assignment for the benefit of creditors, before the bill matures, the holder may cause the bill to be protested for better security against the drawer and indorsers.

When dispensed with. Sec. 159. Protest is dispensed with by any circumstances which would dispense with notice of dishonor. Delay in noting or protesting is excused when delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct, or negligence. When the cause of delay ceases to operate, the bill must be noted or protested with reasonable diligence.

Lost or destroyed bill. Sec. 160. Where a bill is lost or destroyed or is wrongly detained from the person entitled to hold it, protest may be made on a copy or written particulars thereof.

ARTICLE V.

Acceptance for Honor.

Intervenor. Sec. 161. Where a bill of exchange has been protested for dishonor by non-acceptance or protested for better security and is not overdue, any person not being a party already liable thereon, may, with the consent of the holder, intervene and accept the bill *supra protest* for the honor of any party liable thereon or for the honor of the person for whose account the bill is drawn. The acceptance for honor may be for part only of the sum for which the bill is drawn; and where there has been an acceptance for honor for one party, there may be a further acceptance by a different person for the honor of another party.

May be for part. Sec. 162. An acceptance for honor *supra protest* must be in writing and indicate that it is an acceptance for honor, and must be signed by the acceptor for honor.

Must be in writing.

Sec. 163. Where an acceptance for honor does not expressly state for whose honor it is made, it is deemed to be an acceptance for the honor of the drawer. Indefinite acceptance.

Sec. 164. The acceptor for honor is liable to the holder and to all parties to the bill subsequent to the party for whose honor he has accepted. Liability of acceptor for honor.

Sec. 165. The acceptor for honor by such acceptance engages that he will on due presentment pay the bill according to the terms of his acceptance, provided, it shall not have been paid by the drawee; and provided also, that it shall have been duly presented for payment and protested for non-payment and notice of dishonor given to him. Same.

Sec. 166. Where a bill payable after sight is accepted for honor, its maturity is calculated from the date of the noting for non-acceptance and not from the date of the acceptance for honor. When due.

Sec. 167. Where a dishonored bill has been accepted for honor *supra protest* or contains a reference is [in] case of need, it must be protested for non-payment before it is presented for payment to the acceptor for honor or referee in case of need. Must be protested before presented.

Sec. 168. Presentment for payment to the acceptor for honor must be made as follows: How presented.

1. If it is to be presented in the place where the protest for non-payment was made, it must be presented not later than the day following its maturity;

2. If it is to be presented in some other place than the place where it was protested, then it must be forwarded within the time specified in Section 104.

Sec. 169. The provisions of Section 81 apply where there is delay in making presentment to the acceptor for honor or referee in case of need. Provision of Sec. 81.

Sec. 170. When the bill is dishonored by the acceptor for honor it must be protested for non-payment by him. When dishonored.

ARTICLE VI.

Payment for Honor.

Who may inter-
vene.

Sec. 171. Where a bill has been protested for non-payment, any person may intervene and pay it *supra protest* for the honor of any person liable thereon or for the honor of the person for whose account it was drawn.

Protest must be
attested.

Sec. 172. The payment for honor *supra protest* in order to operate as such and not as a mere voluntary payment must be attested by a notarial act of honor which may be appended to the protest or form an extension to it.

How founded.

Sec. 173. The notarial act of honor must be founded on a declaration made by the payer for honor or by his agent in that behalf declaring his intention to pay the bill for honor and for whose honor he pays.

Preference.

Sec. 174. Where two or more persons offer to pay a bill for the honor of different parties, the person whose payment will discharge most parties to the bill is to be given the preference.

Rights of par-
ties.

Sec. 175. Where a bill has been paid for honor all parties subsequent to the party for whose honor it is paid are discharged, but the payer for honor is subrogated for, and succeeds to, both the rights and duties of the holder as regards the party for whose honor he pays and all parties liable to the latter.

Effect of re-
fusal.

Sec. 176. Where the holder of a bill refuses to receive payment *supra protest*, he loses his right of recourse against any party who would have been discharged by such payment.

Payer for honor
receive bill, etc.

Sec. 177. The payer for honor on paying to the holder the amount of the bill and the notarial expenses incidental to its dishonor, is entitle [entitled] to receive both the bill itself and the protest.

ARTICLE VII.

Bills in a Set.

Sec. 178. Where a bill is drawn is [in] a set, Parts of bill. each part of the set being numbered and containing a reference to the other parts, the whole of the parts constitute one bill.

Sec. 179. Where two or more parts of a set are Who true owner. negotiated to different holders in due course, the holder whose title first accrues is as between such holders the true owner of the bill. But nothing in this section affects the right of a person who in due course accepts or pays the part first presented to him.

Sec. 180. Where the holder of a set indorses Liability of indorser. two or more parts to different persons he is liable on every such part, and every indorser subsequent to him is liable on the part he has himself indorsed, as if such parts were separate bills.

Sec. 181. The acceptance may be written on How accepted. any part and it must be written on one part only. If the drawee accepts more than one part, and such accepted parts are negotiated to different holders in due course, he is liable on every such part as if it were a separate bill.

Sec. 182. When the acceptor of a bill drawn in a set pays it without requiring the part bearing his acceptance to be delivered up to him, and that part at maturity is outstanding in the hands of a holder in due course, he is liable to the holder thereof. Liability of indorser.

Sec. 183. Except as herein otherwise provided, Discharge. where any one part of a bill drawn in a set is discharged by payment or otherwise the whole bill is discharged.

TITLE III.

PROMISSORY NOTES AND CHECKS.

ARTICLE I.

Note.

Sec. 184. A negotiable promissory note within the meaning of this Act is an unconditional promise in writing made by one person to another signed by the maker engaging to pay on demand or at a fixed or determinable future time, a sum certain in money to order or to bearer. Where a note is drawn to the maker's own order, it is not complete until indorsed by him.

Check.

Sec. 185. A check is a bill of exchange drawn on a bank payable on demand. Except as herein otherwise provided, the provisions of this Act applicable to a bill of exchange payable on demand apply to a check.

Must be presented.

Sec. 186. A check must be presented for payment within a reasonable time after its issue or the drawer will be discharged from liability thereon to the extent of the loss caused by the delay.

Certified check.

Sec. 187. Where a check is certified by the bank on which it is drawn, the certification is equivalent to an acceptance.

Drawer discharged.

Sec. 188. Where the holder of a check procures it to be accepted or certified the drawer and all indorsers are discharged from liability thereon.

Check not assignment of fund.

Sec. 189. A check of itself does not operate as an assignment of any part of the funds to the credit of the drawer with the bank, and the bank is not liable to the holder, unless and until it accepts or certifies the check.

TITLE IV.

GENERAL PROVISIONS.

ARTICLE I.

Definitions.

Sec. 190. This act shall be known as the "Negotiable Instruments Law."

Sec. 191. In this Act, unless the context otherwise requires:

“Acceptance” means an acceptance completed by delivery or notification. Acceptance.

“Action” includes counter-claim and set-off.

“Bank” includes any person or association of persons carrying on the business of banking, whether incorporated or not.

“Bearer” means the person in possession of a bill or note which is payable to bearer.

“Bill” means bill of exchange, and “note” means negotiable promissory note.

“Delivery” means transfer of possession, actual or constructive, from one person to another.

“Holder” means the payee or indorsee of a bill or note, who is in possession of it, or the bearer thereof.

“Indorsement” means an indorsement completed by delivery.

“Instrument” means negotiable instrument.

“Issue” means the first delivery of the instrument, complete in form to a person who takes it as a holder.

“Person” includes a body of persons, whether incorporated or not.

“Value” means valuable consideration.

“Written” includes printed, and “writing” includes print.

Sec. 192. The person “primarily” liable on an instrument is the person who by the terms of the instrument is absolutely required to pay the same. Who liable primarily and secondarily. All other parties are “secondarily” liable.

Sec. 193. In determining what is a “reasonable time” or an “unreasonable time” regard is to be had Reasonable time. to the nature of the instrument, the usage of trade or business (if any) with respect to such instruments, and the facts of the particular case.

Sunday and
holiday.

Sec. 194. Where the day, or the last day, for doing any act herein required or permitted to be done falls on Sunday or on a holiday, the act may be done on the next succeeding secular or business day.

Applies to in-
struments after
law goes into
effect only.

Sec. 195. The provisions of this Act do not apply to negotiable instruments made and delivered prior to the taking effect of this Act.

General rules.

Sec. 196. In any case not provided for in this Act the rules of the law merchant shall govern.

Repeal.

Sec. 197. Sections 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 1630, 2463, 2464, and 2465 of the General Statutes of 1883 of Colorado and all acts and parts of acts inconsistent herewith are hereby repealed.

Approved April 20, 1897.

CHAPTER 65.

PARTNERSHIPS.

(H. B. No. 182.)

AN ACT

TO REQUIRE ALL PERSONS TRADING OR DOING BUSINESS UNDER THE NAME OF "MANAGER", "TRUSTEE," "AGENT", OR IN ANY OTHER REPRESENTATIVE CAPACITY, AND PERSONS USING THE WORDS "& CO." OR "& COMPANY", OR MERELY ONE INITIAL LETTER AS PART OF THE BUSINESS NAME, AND PERSONS DOING BUSINESS UNDER ANY OTHER NAME THAN THE PERSONAL NAMES OF ITS CONSTITUENT MEMBERS, TO FILE WITH THE CLERK AND RECORDER AFFIDAVITS SHOWING WHO ARE SO REPRESENTED, AND PROVIDING A PENALTY FOR FAILURE SO TO DO.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. Any person or persons trading or doing any business in this State under the name of

"Manager," "Trustee," "Agent," or in any other representative name, and any person or persons using as part of the business name the words, "& Co." or "& Company," or using merely one initial letter as part of the business name and any person or persons, partnership or association of persons, doing business, or carrying on any trade in this State under any other name than the personal name or names of his or its constituent members, shall file for record with the Clerk and Recorder of the county of the residence of and in which such business or trade is carried on, an affidavit setting forth the full Christian and surname and addresses of all the parties who are so represented; and further affidavits shall be filed for record upon any change or changes, whether of withdrawal, addition or otherwise, in the parties so represented. In default of filing for record such affidavits as aforesaid, such persons, partnerships and associations, so trading and doing business as aforesaid, shall not be permitted to prosecute any suits for the collection of their debts until such affidavit shall be filed and each and every person so in default shall be deemed guilty of a misdemeanor and upon conviction thereof in any Court of competent jurisdiction, shall be fined in any sum not less than \$10. nor more than \$300., or imprisoned in the county jail not less than ten, nor more than ninety days in the discretion of the Court;

File affidavit with county clerk, giving names of all composing firms or associations.

Failure to do so a misdemeanor.

Penalty.

Provided, That the provisions of this Act shall not apply to regularly incorporated companies having their articles of incorporation duly filed.

Not apply to incorporated companies.

Sec. 2. The several County Clerks and Recorders shall receive the sum of twenty-five cents for the filing and record of each of such affidavits.

County clerks—fees for filing.

Approved March 31, 1897.

CHAPTER 66.

PAWNBROKERS.

(S. B. No. 124.)

AN ACT

DEFINING AND RELATING TO PAWNBROKERS; AND FIXING A MAXIMUM RATE OF INTEREST FOR ALL MONEYS LOANED BY THEM ON GOODS, CHATTELS AND PERSONAL PROPERTY; AND PROVIDING PENALTIES FOR VIOLATION THEREOF; AND REPEALING AN ACT ENTITLED, "AN ACT TO REGULATE AND DEFINE THE DUTIES OF PAWNBROKERS, AND FIXING A UNIFORM RATE OF INTEREST FOR ALL MONEYS LOANED BY THEM ON GOODS AND CHATTELS AND PERSONAL PROPERTY; AND PROVIDING PENALTIES FOR VIOLATION THEREOF," APPROVED APRIL 3, 1893; AND ALL OTHER ACTS AND PARTS OF ACTS INCONSISTENT WITH THIS ACT.

Be it Enacted by the General Assembly of the State of Colorado:

Unlawful to
conduct busi-
ness without
license.

Section 1. From and after the passage of this Act it shall be unlawful for any corporation, company or person to establish or conduct the business of pawnbroker within the State of Colorado, unless such corporation, company or person shall have first procured a license from the proper authorities of the town or city in which they are engaged in such business, and shall have executed a bond in such sum as the said authorities may require for the faithful carrying out of the provisions of this Act, and of the ordinances of the town or city in which they shall engage in such pawnbroker business.

Bond.

Mayor grant
license.

Section 2. The Mayor in any city or town in this State may, from time to time, as the City Council or Board of Trustees may direct, grant license under his hand and seal to such person or persons as shall pro-

duce to him satisfactory evidence of his or their good character to exercise or carry on the business of pawnbroker, and shall specify in the license the amount of capital proposed by the license to be used in, and the amount paid for the license, and the place, street and number where the same is carried on.

Requirements.

Section 3. Any person or persons receiving such license shall pay therefor such sum as the city or town shall by ordinance require.

Fee regulated by ordinance.

Section 4. Every person or persons licensed shall, at the time of receiving such license, enter into recognizance in such sum as shall be directed by ordinance of the City Council or Board of Trustees, with two or more sufficient sureties to the people of the State of Colorado, to be approved by the Mayor, conditioned for the due observances of all such ordinances and regulations of the Mayor and municipal authorities as may be passed, or in force, respecting pawnbrokers, at any time during the continuance of such license, and for the safe keeping and return of all articles held in pawn by such pawnbroker in accordance with the provisions of this Act.

Recognizance.
Regulated by ordinance.
Approved by mayor.
Conditions.

Section 5. Every pawnbroker shall keep a book, in which shall be clearly written, at the time of each loan, an accurate account and description of the goods, articles or things pawned, the amount of money loaned thereon, the time of pledging the same, the rate of interest to be paid on such loan, and the name and residence of the person pawning or pledging the said goods, articles or things.

Pawnbroker keep record.

Section 6. Every pawnbroker shall at the time of each loan, deliver to the person pawning or pledging any goods, articles or things, a memorandum or note signed by him or her, containing the substance of the entry required to be made, in his or her book, by the preceding sections; and no charge shall be made or received by any pawnbroker for any such entry memorandum or note.

Furnish pledger without charge signed note containing entries.

Books open for inspection.

Section 7. The said books shall at all times be opened to the inspection of the Mayor, Marshal or Chief of Police, the Captains of Police, the Police Magistrates and Justices of the Peace, or any or either of them, or any person who shall be duly authorized in writing by the Mayor, Superintendent or Chief of Police, and who shall exhibit such written authority to the pawnbroker.

Rate of interest.

Section 8. No pawnbroker shall ask, demand or receive any greater rate of interest, commission or compensation, and the same shall be computed upon the amount of money actually advanced, than at the rate of three per cent. per month, or a fractional part of a month, on any loans by him or her, under a penalty of \$100 for each and every offense; and no other charge shall be made by said pawnbroker than herein provided; and, Provided, That nothing herein shall be construed so as to conflict with the law pertaining to interest or usury.

Penalty.

Proviso.

Contracts for payment of commissions null and void.

Section 9. All contracts for the payments of commissions by the borrower for the procuring of loans on personal property, shall be null and void, and whenever a borrower shall have paid such commission or compensation he may recover back twice the amount paid, together with reasonable attorney fees.

Borrower may recover.

Can not sell pledges until six months after maturity.

Section 10. No pawnbroker shall sell any pawn or pledge until the same shall have remained six months after maturity of loan in his or her possession, nor until he shall have given the pledger ten days notice by mail, stating the time within which he must redeem his or her property, such mail to be addressed to the postoffice designated by the pledger as his or her proper postoffice address. If the pledger neglects to redeem such property it may be sold at auction; and all sales shall be at public auction, and not otherwise, and shall be made and conducted by such auctioneer as shall be approved of for that purpose by the Mayor of the city or town granting such license.

Ten days' notice be given.

Addressed to pledger's post-office address.

Public auction.

Auctioneer approved by mayor.

Section 11. Notice of such sale shall be published for at least ten days previous thereto, in one daily newspaper printed in the city wherein the said license may be granted, and such notice shall specify the time and place at which the sale is to take place, the name of the auctioneer by whom the same is to be conducted, and a description of the goods or articles to be sold. In the event that no daily paper be published in the city or town where such pawnbroker is doing business, then such pawnbroker shall publish such notice as may be required of him by the Council or Board of Trustees of such city or town.

Notice of sale published in daily paper except.

Section 12. The surplus money, if any, arising from such sale, after deducting the amount of the loan, the interest then due on the same, and the expense of the advertisement and sale, shall be paid over by the pawnbroker to the person or persons who would have been entitled to redeem the pledge; Provided, That the expense of sale, exclusive of the cost of advertising, shall not exceed five per cent. of the amount realized.

Surplus.

Expense of sale.

Section 13. All purchase of personal property by pawnbrokers, in the course of their business, with an agreement, express or implied, to resell the same, shall prima facie be considered loans, within the meaning of this Act.

Purchases to resell prima facie loans.

Section 14. No pawnbroker shall make any loan to any person under the age of twenty one years, on any article or things, under a penalty of \$100.

Unlawful to loan to minors—penalty.

Section 15. Any pawnbroker, licensed and operating under the provisions of this Act shall provide a safe place for the safe keeping of the pledges received by him or her, and shall have a sufficient insurance on the property held by him or her as pledges, for the benefit of the pledger of the property, to pay one-half the real value thereof, in case of fire; which policy shall be deposited with the Mayor of the city or town; but neither the pawnbroker or bondsmen shall be relieved from responsibility by reason of such fire, nor from other cause.

Shall carry sufficient insurance to cover half the value of pledges.

Insurance policy deposited with mayor.

Does not relieve from responsibility.

Persons shall
be deemed
pawnbroskers,
when.

Misdemeanor if
without license
—penalty.

Fines—half to
informer, half
to school fund.

Form of record
kept.

Section 16. Any person or persons loaning money on personal property and charging as much as the maximum rate of interest herein provided, shall be deemed a pawnbroker, and such person doing business without a license shall be guilty of a misdemeanor, and, on conviction shall forfeit all moneys loaned by him or her, and shall be liable to fine or imprisonment, or both, in discretion of the Court.

Section 17. All fines collected under the provisions of this Act shall be paid, one-half to the informer and the other half to the school fund of the county where the fine was collected.

Section 18. The book to be kept by all persons making loans, as mentioned in Section 5 of this Act, shall be a well bound book and shall be ruled in blank as per form here attached and made a part of this section. The entries therein shall be in the English language, and the same shall have an alphabetical index of the names of the pledgers.

Application of
act.

Section 19. This Act shall apply to and govern pawnbrokers in all cities, towns, and villages, whether incorporated and acting under a general law, special act, charter or otherwise.

Repeal.

Section 20. That an act entitled, "An Act to Regulate and Define the Duties of Pawnbrokers, and Fixing a Uniform Rate of Interest for all Moneys Loaned by Them on Goods, Chattels and Personal Property; and Providing Penalties for Violation Thereof," approved April 3, 1893, and all other acts and parts of acts inconsistent with this Act, are hereby repealed.

Approved March 31, 1897.

CHAPTER 67.

PRISONERS—TRANSPORTATION OF.

(S. B. No. 158.)

AN ACT

CONCERNING THE TRANSPORTATION OF PRISONERS.

Be it Enacted by the General Assembly of the State of Colorado:

Duty of sheriff.

Section 1. It shall be the duty of any Sheriff transporting prisoners to the Penitentiary of the State, or to the Reformatory or to the Reform School or other place of confinement, to convey to such Penitentiary, or Reformatory, or Reform School or other place of confinement at one time all prisoners who may have been convicted and sentenced and who are ready for such transportation. Provided, that if any Sheriff fails or neglects to carry out the provisions of this Act, the County Commissioners may in their discretion disallow any such Sheriff's bill for such extra trips as in the discretion of the County Commissioners are unnecessary, and Provided, further, That this Act shall not apply to the transportation of the insane.

Convey all prisoners practicable at one time.

Commissioners may disallow bills for extra trips.

Proviso.

Approved April 16, 1897.

CHAPTER 68.

RAILROADS—BICYCLES AS BAGGAGE.

(S. B. No. 82.)

AN ACT

DECLARING BICYCLES TO BE BAGGAGE AND PROVIDING FOR
THE CARRYING OF THE SAME BY RAILROAD CORPORATIONS.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That bicycles are hereby declared to be and shall be deemed baggage and shall be transported for passengers by railroad corporations or operators thereof, carrying baggage, as other baggage is transported by them and upon the same terms and conditions and subject to the same liabilities as for other baggage, and no passenger shall be required to crate, cover or protect any such bicycle in any manner. Bicycles transported on same terms as other baggage.
Not required to crate.

Section 2. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage. Emergency.

Approved April 17, 1897.

CHAPTER 69.

RAILROADS—BLOCKING BETWEEN RAILS.

(H. B. No. 258.)

AN ACT

RELATING TO BLOCKING BETWEEN CERTAIN RAILROAD RAILS,
IN ORDER TO PREVENT ACCIDENTS AND DECLARING
FAILURE TO BLOCK "NEGLIGENCE."

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That from and after the passage of this Act, it shall be the duty of all corporations, companies and persons using, maintaining, operating or controlling any railroad, or railroad track, to safely and securely block between the switch rails going into each of the head-chairs for a distance of six feet from each and every head-block; and to safely and securely block between the rails from the point where the iron filling which extends from the point of each frog ends for a distance of four feet from the end of said filling; and to safely and securely block between each and every guard-rail and the main or other adjacent rail for the entire distance of the curve, or curves, in all guard-rails at both ends of each and every guard-rail; and to safely and securely block between each and every wing-rail of all frogs and the heel of each and every frog; and to safely and securely block between the rails in each and every wedge of all frogs; and to safely and securely block for a distance of five feet from the end of each and every split rail between such split rail and the adjacent rail of all split switches.

Switch rails—
blocking.

Guard rails—
shall be blocked
for entire dis-
tance of curves.

Wing rails and
frogs.

Split rails.

Sec. 2. In all trials in all courts in this State, to recover for personal injury, and in all cases of per-

sonal injury to employees, or other persons, occasioned by, or in any manner directly or indirectly resulting from being caught between any of the aforesaid rails, testimony relative to compliance with the requirements of this Act shall be admitted. And where a failure is shown on the part of any such corporation, company or person to have safely and securely blocked such rails in accordance with the provisions of this Act, such failure to have complied with any of the provisions of this Act shall be prima facie [facie] evidence of the negligence of any such corporation, company or other person so failing to comply with any of the provisions of this Act where any such employee, or other person, may be caught between such rails not blocked in accordance with the provisions of this Act.

Failure to comply.

Prima facie evidence of neglect.

Approved April 1, 1897.

CHAPTER 70.

REVENUE—RAILROAD CARS.

(H. B. No. 169.)

AN ACT

TO PROVIDE FOR THE ASSESSMENT AND TAXATION OF RAILROAD CARS OTHER THAN THOSE WHICH ARE THE PROPERTY OF RAILROAD COMPANIES.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. The President or other chief officer of every car company, mercantile or other company or corporation other than a railroad company operating a line of railroad, and every firm or individual owning any stock cars, furniture cars, fruit cars, poultry cars, tank cars, sleeping cars or any other

Verified statement to state board of equalization.

Must show number of miles made by cars during preceding year, and average per day.

Railroad company make similar statement.

Duty of board of equalization.

Fix valuation upon each class of.

To whom assessed.

kind of cars, shall, on or before the 15th day of March in each year, make to the State Board of Equalization a true, full and accurate statement, verified by affidavit of the officer or person making the same, showing the aggregate number of miles made by their cars over the several lines of railroad in this State during the year preceding, ending on the 31st day of December, and a further statement showing the average number of miles traveled per day by the cars of the particular class or classes covered by the statement, in the ordinary course of business during the year.

Sec. 2. The President or other chief officer of every railroad company, whose lines run through or into this State shall, on or before the 15th day of March in each year, furnish to the State Board of Equalization a statement verified by the affidavit of the officer or person making the same, showing the total number of miles made by the cars of every such car company, mercantile or other company, firm or individual over their lines in this State during the year next preceding the 31st day of December. Such statement shall also show, separately, the name and aggregate number of miles traveled over their lines in this State by the cars of each such car company, car trust, mercantile or other company, firm or individual.

Sec. 3. It shall be the duty of the State Board of Equalization to ascertain from said statements the number of cars required to make the total mileage of the cars of each such car company, mercantile or other company, firm or individual within the period of one year. The Board shall ascertain and fix a valuation upon each particular class of such cars, and the number so ascertained to be required to make the total mileage of the cars of each such car company, mercantile company, firm or individual within the period of one year shall be assessed to the respective car companies, car trusts, mercantile or other

companies, firms and individuals. For the purpose of making this assessment, the Board is authorized to base the assessment upon the returns of the several railroad companies. In case any such car company, mercantile or other company, firm or individual shall fail or refuse to make the statement herein required, adding 30 per cent. as hereinafter provided; and in determining the daily average travel of such cars, the Board, in so far as may be practicable, shall harmonize the statements of the several railroad companies, car companies, mercantile or other companies, firms and individuals with respect thereto, fixing a uniform daily average travel of cars of each particular class. Such assessment shall be included in the record and proceedings of the Board, and shall be pro rated among the several counties traversed by railways carrying said cars in proportion to the entire railroad main track mileage of railway carrying said cars in said counties, and a statement transmitted to the County Clerk of each county as provided in case of other assessments made by said Board.

Base assessments upon returns of.

Failure to make statement—penalty.

Harmonize statements.

Assessments pro rated.

Statement to county clerks.

Sec. 4. In case any such car company, mercantile or other company, firm or individual, shall fail or refuse to make the statement herein required, within the time above specified, or shall make a false statement, the said Board shall proceed to assess the property of such car company, mercantile company, or individual, so failing, and shall add thirty (30) per cent. to the value thereof, as ascertained and determined by said Board.

Refusal to make statement in time specified.

30 per cent. added to valuation.

All acts or parts of acts in conflict with the provisions of this Act are hereby repealed.

Repeal.

Sec. 5. In the opinion of the General Assembly an emergency exists therefore this Act shall be in force and take effect from and after its passage.

Emergency.

Approved April 1, 1897.

CHAPTER 71.

SALES ON CREDIT.

(H. B. No. 200.)

AN ACT

IN RELATION TO SALES ON CREDIT; TO MAKE CERTAIN ACTS
IN TRADE AND COMMERCE MISDEMEANORS, AND TO PRO-
VIDE PUNISHMENT THEREFOR.

Be it Enacted by the General Assembly of the State of Colorado:

**Misdemeanor
to purchase un-
der fictitious
name.**

Penalty.

Section 1. Every person who shall purchase goods, wares or merchandise upon credit under an assumed or fictitious name with intent to cheat or defraud the seller or vendor shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding three hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

**Purchase on
credit and hy-
pothecate.**

Penalty.

Section. 2. Every person who shall purchase goods, wares or merchandise upon credit, and thereafter, before paying therefor, sell, hypothecate, pledge, or otherwise dispose of the same out of the usual course of business, and with intent to cheat or defraud the seller or vendor, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

**Purchase on
credit and ab-
scond.**

Section. 3. Every person who shall purchase goods, wares or merchandise upon credit, and secrete himself or abscond from the State, for the purpose or with the intention of cheating or defrauding the seller or vendor, shall be guilty of a misde-

meanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

Approved April 17, 1897.

CHAPTER 72.

SCHOOLS.

(H. B. No. 141.)

AN ACT

TO AMEND SECTION ONE OF AN ACT APPROVED MARCH 15, 1887, ENTITLED "AN ACT TO AMEND SECTION 3094, BEING SECTION 99 OF CHAPTER XCVII., GENERAL STATUTES OF COLORADO, ENTITLED 'SCHOOLS'," THE SAME BEING SECTION 4066, MILLS' ANNOTATED STATUTES OF COLORADO.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That Section 1 of an act approved March 15, 1887, entitled "An Act to Amend Section 3094, Being Section 99 of Chapter XCVII., General Statutes of Colorado, Entitled 'Schools'," the same being Section 4066, Mills' Annotated Statutes of Colorado, be and the same is hereby amended to read as follows:

Section 3094. Section 99, Section 4066, Mills'. That when the bonded indebtedness of any school district in this State has matured, or may hereafter mature, or has or may hereafter become redeemable at the pleasure of the district, and there shall not be funds in the treasury of such school district avail-
Boned indebt-
edness.
If no funds.

able for that purpose with which to redeem or pay such bonds, it shall be lawful for the Board of Directors of such school district to issue and sell new bonds, equal to the sum necessary and not otherwise provided for the payment of the bonds then matured or those then redeemable at the pleasure of such school district, and such bonds thus issued shall not be sold at a less price than their par value; Provided, It shall be lawful for the Board of Directors of any school district having a bonded indebtedness, to refund the same, at any time, with the consent of the bond owners, in bonds bearing a less rate of interest than the bonds so refunded and running for a longer time, which said bonds thus issued shall be exchanged at not less than par for the bonds outstanding.

Board of directors may issue new bonds.
Par value.
Refund.
Interest not exceed 8 per cent.
When redeemable.
Emergency.

Provided further, That all bonds issued under this section shall bear interest at such rate as said School Board may determine, not to exceed 8 per cent. per annum, and shall be redeemable at the pleasure of the District Board, in not to exceed ten years and payable in not to exceed twenty years from the date thereof, and the date after which said bonds are redeemable shall be plainly written or printed on the face thereof.

Sec. 2. In the opinion of this General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved April 8, 1897.

CHAPTER 73.

STATE LANDS—TRESPASSERS.

(S. B. No. 316.)

AN ACT

TO PUNISH TRESPASSERS UPON STATE LANDS.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. Any person who shall cut or remove any timber from any State land without authority so to do by the State Board of Land Commissioners, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine in any sum not less than three dollars nor more than three hundred dollars, or by imprisonment in the county jail for a term not less than thirty days nor more than three months, or by both such fine and imprisonment, for the mutilation or distruction [destruction] of each tree.

Misdemeanor to cut or remove timber without authority from state land board.

Penalty.

Section 2. Justice Courts, County Courts and District Courts, shall have jurisdiction for the trial of offenses under this Act, and it shall be the duty of the County Superintendent of Schools to make complaint whenever he shall be informed of any violation of this Act, and of the District Attorney and his deputies to prosecute the same.

Courts having jurisdiction.

Duty of school superintendents.

Approved April 14, 1897.

CHAPTER 74.

SURETY COMPANIES.

(S. B. No. 253.)

AN ACT

IN RELATION TO THE GIVING AND GUARANTEEING OF JUDICIAL, OFFICIAL AND OTHER BONDS BY SURETY COMPANIES.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That whenever any bond, undertaking, recognizance or other obligation is by law, or the charter, ordinance, rules or regulations of any municipality, board, body, organization, court, judge or public officer, required or permitted to be made, given, tendered or filed with surety or sureties, and whenever the performance of any act, duty, contract or obligation, or the refraining from any act, is required or permitted to be guaranteed, such bond, undertaking, obligation, recognizance or guaranty may be executed by a surety company qualified as hereinafter provided; and such execution by such company of such bond, undertaking, obligation, recognizance or guaranty shall be in all respects a full and complete compliance with every requirement of every law, charter, ordinance, rule or regulation, that such bond, undertaking, obligation, recognizance or guaranty shall be executed by one or more sureties, or that such sureties shall be residents or householders or freeholders or either or both, or possess any other qualification; and all courts, judges, heads of departments, boards, bodies, municipalities and public officers of every character may accept and treat such bond, undertaking, obli-

Surety companies—requirements.

gation, recognizance or guaranty, when so executed by such company as conforming to and fully and completely complying with every such requirement of every such law, charter, ordinance, rule or regulation; Provided, however, that such surety company may be required to justify in such terms and for such amounts as may be satisfactory to the court, person or body authorized to approve such surety.

Section 2. That such company to be qualified to so act as surety or guarantor, must comply with the requirements of every law of this State applicable to such company doing business therein; must be authorized under its charter, to become surety upon such bond, undertaking, obligation, recognizance or guaranty; must have a fully paid up and safely invested and unimpaired capital of at least \$250,000; must have good available assets exceeding its liabilities, which liabilities for the purposes of this Act shall be taken to be its capital stock, its outstanding debts and a premium reserve at the rate of fifty per centum of the current annual premiums on each outstanding bond, undertaking, recognizance and obligation of like character in force; must file with the Superintendent of Insurance of this State a certified copy of its certificate of incorporation, a written application to be authorized to do business under this Act, and also with such application, and in each year thereafter, a statement verified under oath, made up to December 31 preceding, stating the amount of its paid up cash capital, particularizing each item of investment, the amount of premiums upon existing bonds, undertakings, recognizances and obligations of like character in force upon which it is surety, the amount of liability for unearned portion thereof estimated at the rate of fifty per centum of the current annual premiums on each such bond, undertaking, recognizance and obligation in force, stating also the amount of its outstanding obligations of all kinds, and such further facts as may be by the laws

Qualifications.

Charter.

Capital.

Premium reserve.

File with superintendent of insurance.

Annual statement.

If organized under other states must deposit. of this State required of such company in transacting business therein; and if such company be organized under the laws of any other State than this State it must have on deposit with a State officer of one of the States of the United States, not less than \$100,000 in good securities, deposited with, and held by, such officer, for the benefit of the holders of its obligations; and must also appoint the Superintendent of Insurance of this State as its attorney upon whom process of law can be served, as now provided by law in the case of insurance companies.

Appoint superintendent of insurance its attorney.

Superintendent of insurance shall issue certificate.

Certificate evidence of qualification and solvency.

Not authorized to become surety without certificate.

How surety may be released.

Section 3. That the Superintendent of Insurance of this State, upon due proof by any such company of its possessing the qualifications in this Act specified, shall issue to such company a certificate setting forth that such company has qualified and is authorized for the ensuing year to do business under this Act, which said certificate shall be evidence of such qualification of such company and of its authorization to become and to be accepted as sole surety on all bonds, undertakings, recognizances and obligations, required or permitted by law or the charter, ordinances, rules or regulations of any municipality, board, body, organization or public officer, and the solvency and credit of such company for all purposes and its sufficiency as such surety. And no company shall be authorized or permitted to become surety upon any bond, undertaking, recognizance or other obligation specified in this Act without having first complied with the provisions of this Act and having obtained the certificate of the Superintendent of Insurance of this State, as hereinbefore provided.

Section 4. Any surety upon the bond of any State, county or municipal officer shall be released from further liability as such surety for such officer, by filing with the person or persons having authority to approve said bond, or with whom said bond is directed to be filed, a notice that said surety is unwilling longer to be surety for such State, county or

municipal officer. When any notice shall be filed as aforesaid, notice thereof shall immediately be given to such State, county or municipal officer, who shall thereupon file other security to be approved as provided by law. If said State, county or municipal officer shall not in the manner aforesaid file such bond to be approved as aforesaid, the said office shall become vacant, and the said vacancy shall be filled in manner as is now provided by law. If a new bond shall be given by any officer, as hereinbefore provided, then the former surety or sureties shall be entirely released and discharged upon all liability incurred by such officer after the time of the approval of said new bond, and the sureties to the new bond shall henceforth be liable as therein provided, after the approval of said new bond as aforesaid.

Officer file other security.

If not, office vacated.

If new bond given former surety entirely released.

Section 5. When any surety upon the official bond of any trustee, committee, conservator, guardian, assignee, receiver, executor, administrator or other fiduciary in this State shall desire to be released from such obligation, such surety may file his application for such release in the Court having jurisdiction of such fiduciary; and thereupon the Clerk of such Court shall issue, under the seal thereof, a notice to such fiduciary, requiring him or her to furnish a new bond, with sureties to be approved by the Court, within twenty days from the date of the service of said notice. Such notice may be served in the manner provided by law for the service of a summons in civil actions. If such fiduciary shall fail to furnish such bond within the time hereinbefore prescribed, he or she shall be summarily removed from office, and a new trustee, committee, conservator, guardian, assignee, receiver, executor, administrator or other fiduciary forthwith appointed. From and after the time when such new bond is furnished, or such new fiduciary appointed, the surety making such application shall be released from all liability

Surety file application for release.

Clerk of court issue notice.

Served as summons.

Failure to furnish new bond.

Removal from office.

upon the said bond, except for such default or other misconduct on the part of such fiduciary as occurred prior thereto.

It is further provided that in case of the release or the withdrawal of any surety as provided in this Act, and in case the principal shall account in due form of law for all of his acts and doings, and all trust funds or estate, then the unearned portion of any premium paid to such surety shall be refunded and repaid by the said surety or sureties as aforesaid.

Refund.

May agree as
to place of
deposit.

Section 6. That it shall be lawful for any party of whom a bond, undertaking or other obligation is required to agree with his surety or sureties for the deposit of any or all moneys and assets for which such surety or sureties are or may be held responsible, with a bank, savings bank, safe deposit or trust company, authorized by law to do business as such, or other depository approved by the Court, or a Judge thereof, if such deposit is otherwise proper, for the safe keeping thereof, and in such manner as to prevent the withdrawal of such moneys and assets or any part thereof, without the written consent of such surety or sureties or an order of the Court, or a Judge thereof, made on such notice to such surety or sureties as such Court or Judge may direct; Provided, however, that such agreement shall not in any manner release from or change the liability of the principal or sureties as established by the terms of the said bond.

Proviso.

Fiduciary may
include bond as
part of expense.

Section 7. That any receiver, assignee, guardian, trustee, committee, executor, administrator or curator, or other fiduciary, required by law or the order of any Court or Judge, to give a bond or other obligation as such, may include, as a part of the lawful expense of executing his trust such reasonable sum paid a company authorized under the laws of this State so to do, for becoming his surety on such bond as may be allowed by the Court in which, or a Judge

before whom, he is required to account, not exceeding **Not exceed.** one per centum per annum on the amount of such bond; and in all actions and proceedings a party entitled to recover costs therein shall be allowed and may tax and recover such sum paid such a company for executing any bond, recognizance, undertaking, stipulation or other obligation therein not exceeding, however, one per cent. on the amount of such bond, recognizance, undertaking, stipulation or other obligation, during each year the same has been in force.

Section 8. That nothing in this Act contained shall be construed or held to require trust, surety or guaranty companies organized under the laws of the State of Colorado authorized by their charter and the laws of the State to act as bondsmen, or furnish surety on bonds, to make any deposit with the State Insurance Commissioner, or to appoint the said State Insurance Commissioner, or any other person, or officer, its agent or attorney. **Saving clause.**

Section 9. That every trust, surety and guaranty company authorized by its charter under the laws of this State to furnish bonds, or become surety thereon, shall be required to furnish to the State Insurance Commissioner any and all statements as to its condition required of any other like company by this Act, and in addition thereto, the said State Insurance Commissioner be, and is hereby authorized to require any local company to satisfy him that it has an actual cash paid up capital of at least \$250,000 as required by the laws of the State regarding said companies. And if at any time it should appear by such report of said company, or by an examination thereof, by said Commissioner, or by other satisfactory information, that any such company has not available cash assets equal to said sum of \$250,000, that then and thereupon such company so found to be below the legal requirements of the laws of the State as above, shall not thereafter be permitted to act as bondsman, or become surety on any bond **Furnish statements to insurance commissioner.** **Commissioner authorized to require.** **If below legal requirements.**

Commissioner
shall withdraw
certificate.

covered or contemplated by this Act, or the laws of this State authorizing its so doing, and said State Insurance Commissioner shall thereupon withdraw his certificate authorizing any such company to so act as herein, or by the laws of this State contemplated or provided.

Repeal.

Section 10. That all acts and parts of acts inconsistent with this Act be, and they hereby are repealed.

Approved March 31, 1897.

CHAPTER 75.

TOWNS AND CITIES—ANNEXATION.

(S. B. No. 12.)

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR CONTIGUOUS TOWNS AND CITIES TO BECOME ANNEXED."
APPROVED APRIL 11TH, 1893.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That an Act entitled, "An Act to Provide for Contiguous Towns and Cities to Become Annexed." Approved April 11th A. D. 1893.

As said Act has heretofore been amended, is hereby further amended by adding thereto the following section, the same to be known as Section 15 of said Act, to-wit:

No order be
made by county
court to submit
question until
city has by
ordinance con-
sented.

Section 15. Hereafter no order shall be made by any County Court requiring the submission of the question of dissolution and annexation, as provided in Section 2 of this Act, or approving the report of any election held in pursuance of this Act, unless nor until the city existing under a special charter to

which it is proposed that such annexation shall be made has by ordinance duly passed and published consented to such annexation; and in case of the annexation at any time hereafter of any town or city existing under the general laws of this State to any city existing under a special charter, as provided in Section 1 of this Act, then neither the indebtedness of the town or city so annexed, nor of the city to which the same shall be annexed, shall become a common indebtedness, but such indebtedness shall be paid by general taxation upon all the taxable property within the town or city in and by which the indebtedness was created.

Shall not
become common
indebtedness.

Section 2.—Whereas, in the opinion of the General Assembly an emergency exists, therefore this Act shall take effect and be in force from and after its passage.

Emergency.

Approved February 18, 1897.

CHAPTER 76.

TOWNS AND CITIES—CLASSIFICATION.

(S. B. No. 241.)

AN ACT

TO AMEND SECTION ONE OF AN ACT ENTITLED "AN ACT TO AMEND AN ACT ENTITLED AN ACT IN RELATION TO MUNICIPAL CORPORATIONS, APPROVED APRIL 4, 1877, AND TO MORE PARTICULARLY DEFINE THE POWERS AND DUTIES OF CITIES OF THE FIRST CLASS," APPROVED MARCH 24, 1891.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That Section 1 of an act entitled "An Act to Amend an Act Entitled an Act in Relation to Municipal Corporations, Approved April 4,

Repeal.

Governor, auditor and secretary of state ascertain from census returns what cities of second class are entitled to become first class.

What incorporated towns become second class.

Secretary of state prepare statement.

Publication.

Transmit copy to mayor and general assembly.

Organize and elect under new grade.

Terms of former officers expire except.

1877, and to More Particularly Define the Powers and Duties of Cities of the First Class," be amended so as to read as follows: That Section 65, Article VII., Chapter CIX. of the General Statutes, the same being General Section 3363, be repealed and the following shall stand in lieu thereof:

Section 65. The Governor, Auditor of State and Secretary of State, or any two of them within six months after the returns of any State or United States census have been filed in the office of the Secretary of State, or within thirty days after the returns of the enumeration of the inhabitants of any city of the second class or incorporated town taken under and by the authority of any city or town ordinance, or resolution adopted by the City Council of such city or Board of Trustees of such town shall have been filed in the office of the Secretary of State, shall ascertain what cities of the second class are entitled to become cities of the first class; and what incorporated towns are entitled to become cities of the second class, and the Governor shall cause a statement thereof to be prepared by the Secretary of State, which statement he shall cause to be published in some newspaper published in the State Capitol [Capital] and also in some newspaper, if there be such, printed in each of the cities and incorporated towns, entitled to such advancement in grade, and a copy of such advertisement shall be transmitted by the Secretary of State to the Mayor of said city or town and to the next General Assembly; and every such city or incorporated town shall, at the next regular election for the election of municipal officers, proceed to organize according to its new grade, by the election of officers properly belonging thereto, and on the election and qualification the term of service of former officers shall expire; Provided, That the organization under the provisions of this Act of any city of the second class as a city of the first class, or a town into a city of the second class shall not be held to work the removal from

office of any Alderman of such city of the second class or town, whose term of office will not have expired, but such Alderman shall be one of the Aldermen for his ward for such city in its new grade.

Section 2. All acts and parts of acts inconsistent with the provisions of this Act are hereby repealed. Repeal.

Section 3. In the opinion of the General Assembly, an emergency exists, therefore, this Act shall take effect and be in force from and after its passage. Emergency.

Approved April 17, 1897.

CHAPTER 77.

TOWNS AND CITIES—PARK COMMISSIONERS.

(H. B. No. 409.)

AN ACT

AUTHORIZING THE APPOINTMENT OF A BOARD OF PARK COMMISSIONERS IN CITIES OF THE FIRST CLASS, EXCEPT CITIES EXISTING UNDER SPECIAL CHARTER, AND IN PUBLIC IMPROVEMENT DISTRICTS IN SUCH CITIES, AND DEFINING THE POWERS AND DUTIES OF SUCH BOARD.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. Whenever any city of the first class within this State, except cities existing under special charter, has established a public park or has created a public improvement district or districts within its boundaries, for the purpose of incurring a bonded indebtedness for the establishment of a public park within such improvement district in accordance with existing law, the Mayor, by and with the advice and consent of the City Council, shall appoint for and in behalf of such city, or for and in behalf of such improvement district, a Board of Park City of first class.
Bonded indebtedness to establish public park.
Mayor appoint park commissioners on petition of one-third of qualified electors.

Repeal.

1877, and to More Particularly Define the Powers and Duties of Cities of the First Class," be amended so as to read as follows: That Section 65, Article VII., Chapter CIX. of the General Statutes, the same being General Section 3363, be repealed and the following shall stand in lieu thereof:

Governor, auditor and secretary of state ascertain from census returns what cities of second class are entitled to become first class.

What incorporated towns become second class.

Secretary of state prepare statement.

Publication.

Transmit copy to mayor and general assembly.

Organize and elect under new grade.

Terms of former officers expire except.

Section 65. The Governor, Auditor of State and Secretary of State, or any two of them within six months after the returns of any State or United States census have been filed in the office of the Secretary of State, or within thirty days after the returns of the enumeration of the inhabitants of any city of the second class or incorporated town taken under and by the authority of any city or town ordinance, or resolution adopted by the City Council of such city or Board of Trustees of such town shall have been filed in the office of the Secretary of State, shall ascertain what cities of the second class are entitled to become cities of the first class; and what incorporated towns are entitled to become cities of the second class, and the Governor shall cause a statement thereof to be prepared by the Secretary of State, which statement he shall cause to be published in some newspaper published in the State Capitol [Capital] and also in some newspaper, if there be such, printed in each of the cities and incorporated towns, entitled to such advancement in grade, and a copy of such advertisement shall be transmitted by the Secretary of State to the Mayor of said city or town and to the next General Assembly; and every such city or incorporated town shall, at the next regular election for the election of municipal officers, proceed to organize according to its new grade, by the election of officers properly belonging thereto, and on the election and qualification the term of service of former officers shall expire; Provided, That the organization under the provisions of this Act of any city of the second class as a city of the first class, or a town into a city of the second class shall not be held to work the removal from

office of any Alderman of such city of the second class or town, whose term of office will not have expired, but such Alderman shall be one of the Aldermen for his ward for such city in its new grade.

Section 2. All acts and parts of acts inconsistent with the provisions of this Act are hereby repealed. Repeal.

Section 3. In the opinion of the General Assembly, an emergency exists, therefore, this Act shall take effect and be in force from and after its passage. Emergency.

Approved April 17, 1897.

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Mayor appoint park commissioners on petition of one-third of qualified electors.

Repeal.

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office of any Alderman of such city of the second class or town, whose term of office will not have expired, but such Alderman shall be one of the Aldermen for his ward for such city in its new grade.

Section 2. All acts and parts of acts inconsistent with the provisions of this Act are hereby repealed. Repeal.

Section 3. In the opinion of the General Assembly, an emergency exists, therefore, this Act shall take effect and be in force from and after its passage. Emergency.

Approved April 17, 1897.

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office of any Alderman of such city of the second class or town, whose term of office will not have expired, but such Alderman shall be one of the Aldermen for his ward for such city in its new grade.

Section 2. All acts and parts of acts inconsistent with the provisions of this Act are hereby repealed. Repeal.

Section 3. In the opinion of the General Assembly, an emergency exists, therefore, this Act shall take effect and be in force from and after its passage. Emergency.

Approved April 17, 1897.

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TOWNS AND CITIES—PARK COMMISSIONERS.

(H. B. No. 409.)

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City of first class.
Bonded indebtedness to establish public park.
Mayor appoint park commissioners on petition of one-third of qualified electors.

Commissioners; Provided, That such Board shall not be appointed unless the appointment of such Board shall first be requested by a petition signed by one-third of the qualified electors of such city or improvement district, who are also owners of realty therein.

Three members.

Said Board of Park Commissioners shall be composed of three members, who shall be well known for their business ability, probity and public spirit, and who shall be legal residents and realty owners, within the city of public improvement district wherein they are appointed. Said Commissioners shall serve without compensation for a term of two years, commencing April 15, unless sooner removed by the City Council for causes to be specifically stated before such removal be made.

Term two
years, without
compensation.

Board elect
president.

Said Board shall organize by the election of one of its members as President. The said Board shall be provided by the city with a convenient office, and with such stationery and facilities for the performance of its duties as shall by the Commissioners of said Board be deemed necessary and advisable, and the City Clerk shall be the Secretary of said Board, and shall keep a record of all the proceedings of said Board, with a record of the vote of each member where the vote is not unanimous; Provided, however, That when authorized by the City Council of such City, the said Board may employ a Secretary at a salary to be fixed by said Council.

City clerk sec-
retary.

Proviso.

No member
have authority
to act except.

No member of such Board shall have any authority to act on behalf of the Board, except in pursuance of an order regularly made at a meeting of said Board. A majority of the Board shall constitute a quorum for the transaction of business, and no action of the Board shall be binding unless authorized by a majority of the members of the Board at a regular meeting, or duly called special meeting thereof.

Quorum.

The said Board of Park Commissioners shall have full, complete and exclusive authority to expend for and on behalf of the city, or the public improvement district in which such Board may be established, all such sums of money as may from time to time be realized from the sale of park bonds by such city or public improvement district, or from special assessments or appropriations made from general revenues by the City Council for such park purposes. Vouchers for all such expenditures shall be approved by the said Board, and shall be certified to and paid by the City Council.

Authority of
board.

Approve
vouchers.

No member of said Board shall be interested, directly or indirectly, in any contract relating to the establishment or maintenance of any such park, or in any contract providing for the expenditure of any money in relation thereto, and any such Commissioner shall be considered as vacating his office in the event of his accepting the nomination, or becoming a candidate for any other public office. Said Board of Park Commissioners shall have full and complete authority to lay out, regulate, govern and improve all parks in the city or public improvement district wherein it is appointed and all boulevards and pleasure-ways within the limits of such parks; and it shall have power to issue and enforce orders for the regulation and government of the same, and it may by order prohibit certain or any heavy traffic upon the roadways in said parks to the end that the same may be used for pleasure purposes only, and the City Council shall, from time to time, pass such reasonable and proper ordinances as may be recommended by said Board for the government and regulations of said parks.

Shall not be in-
terested in
contracts.

Not hold other
public office.

Prohibit heavy
traffic.

City council
pass ordinances
recommended
by.

Whenever a Board of Park Commissioners shall be organized under the provisions of this Act, the City Council shall forthwith transfer to said Board such matters as shall thereupon belong to it under the provisions hereof; and the power and authority

City council
transfer to.

of the City Council covering such matters, as are by the terms of this Act vested in such Board, shall then and there cease.

Semi-annual
statement to
council.

Said Board shall, twice a year, upon the first days of April and October, make a full and complete statement in detail to the City Council of all moneys expended by it during the preceding six months and of the condition of each of the parks under its control and of all improvements that have been made therein; and where funds for the care and maintenance of any such parks are to be derived from general revenues, said Board shall each year, before the making by the City Council of its annual appropriations, render a statement to the Council of the estimated amount required by such Board for the proper care and maintenance of said park or parks during the next succeeding fiscal year.

Annual state-
ment.

Emergency.

In the opinion of the General Assembly an emergency exists; therefore, this Act shall be in full force and effect from and after its passage.

Approved April 17, 1897.

CHAPTER 78.

TOWNS AND CITIES—TREASURER, ELECTION OF.

(H. B. No. 331.)

AN ACT

CONCERNING THE ELECTION AND TERM OF OFFICE OF CITY
TREASURERS OF CITIES OF THE SECOND CLASS.*Be it Enacted by the General Assembly of the State of Colorado:*

Section 1. The qualified electors of all cities of the second class shall on the first Tuesday in April in the year 1897 and the first Tuesday in April of each and every second year thereafter elect a City Treasurer who shall hold his office for the term of two years and until his successor is elected and qualified. The Treasurer shall have such powers and perform such duties as are prescribed by the statutes of this State and by the ordinances of the City Council not inconsistent therewith. ^{When treasurer elected.} ^{Term.}

Sec. 2. All acts and parts of acts inconsistent herewith are hereby repealed. ^{Repeal.}

Sec. 3. In the opinion of this General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage. ^{Emergency.}

Approved April 17, 1897.

JOINT MEMORIAL NO. 2.

(By Senator Campbell.)

*To the Honorable Senate and House of Representatives of the
United States of America in Congress Assembled:*

Your memorialists, the General Assembly of the State of Colorado, now in session, petition your honorable body to make generous provision for that branch of the United States geological survey which is engaged directly in examining the metalliferous districts of the States and Territories, to the end that needed surveys may be commenced or completed, and the results published at the end of each season in pamphlet form, as much of the value of the information thus received depends upon its speedy publication.

It is not expected that the specialists of the survey will take the place now occupied by the prospector or the mining engineer. They should, however, understand the work of either or both of these classes of men, and should furnish an accurate basis upon which that work may be founded. Let the survey stand between them and nature, demonstrating as well as may be in the absence of development where the prospector may, and where he may not, prospect to advantage for this or that valuable mineral.

In the absence of a Government department of mining, your memorialists believe that Congress should strengthen the mining department of the geological survey and provide for the more timely publication of its preliminary and final reports.

And your memorialists will ever pray.

JOINT MEMORIAL NO. 10.

(By Senator Barola.)

To the President of the United States.

Your memorialists, the General Assembly of the State of Colorado, most respectfully represent, that in climate, general contour of country, and in products, we are similar in situation to the Territory of New Mexico. We are associated with her inhabitants in business, and our interests are in common in many particulars. These things bring us in sympathy with their common welfare, and constrain us to memorialize you, that in the appointment of Federal officers, selections be made from bona fide citizens of said Territory, to the end that the appointees may be in sympathy with the conditions peculiar to that Territory, in touch with their business interests, and in harmony with their legislative, judicial, and general status.

Approved March 11.

SENATE JOINT MEMORIAL NO. 11.

(By Senator Wheeler.)

The Senators and Representatives of the State of Colorado now in session as the Eleventh General Assembly, do most respectfully memorialize our Senators and Representatives in the Senate and Congress of the United States, to support the action of the lead producers of this country, and endeavor to have incorporated into the present Dingley Tariff-Bill, now before the United States Congress, the recommendations of such producers as to the duty of $1\frac{1}{2}$ cts per lb. instead of one ct. per lb., as now proposed to be placed on lead in foreign ores, shipped from points foreign to the United States. We appreciate and knowing it will greatly benefit the people of the State of Colorado and the United States at large, to have a higher duty placed on lead in ores, thereby keeping out foreign lead ores, except when smelted in bond, and enhancing the value of lead to our home mines and miners. At the same time, it would permit the successful operation of numerous lead properties in the State of Colorado and the United States, that can not be mined profitably at the present time, on account of the low price of lead.

Resolved That a copy of this resolution be sent to each of our United States Senators and Representatives.

Approved April 7, 1897.

SENATE JOINT MEMORIAL NO. 12.

(By Senator Taylor.)

*To the Honorable Senate and House of Representatives of the
United States in Congress Assembled:*

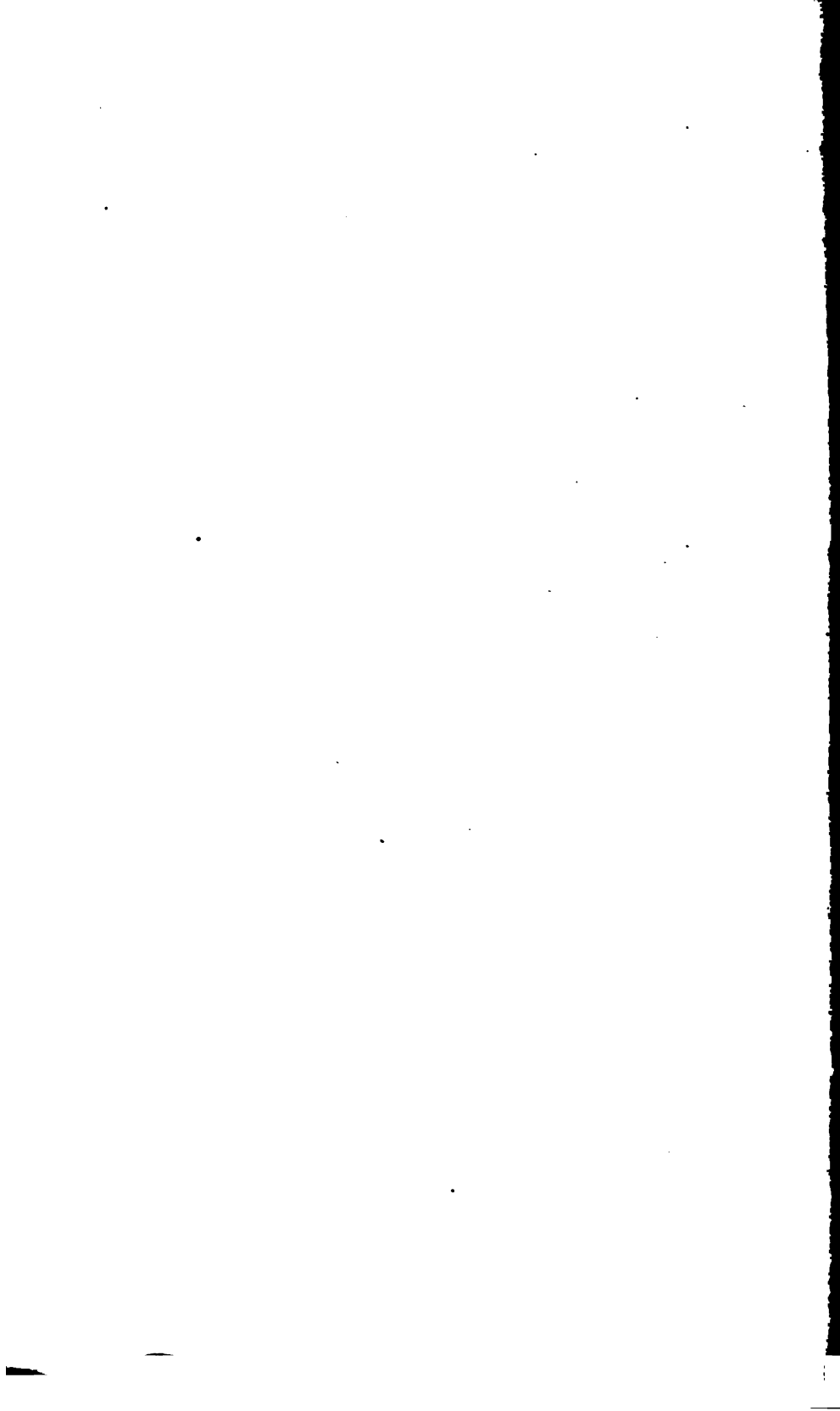
Your memorialist, the Eleventh General Assembly of the State of Colorado, hereby petitions your honorable body to pass the bill introduced by Hon. John C. Bell, our Representative in Congress, providing for the erection of a United States Government building at the town of Glenwood Springs, Garfield county, Colorado.

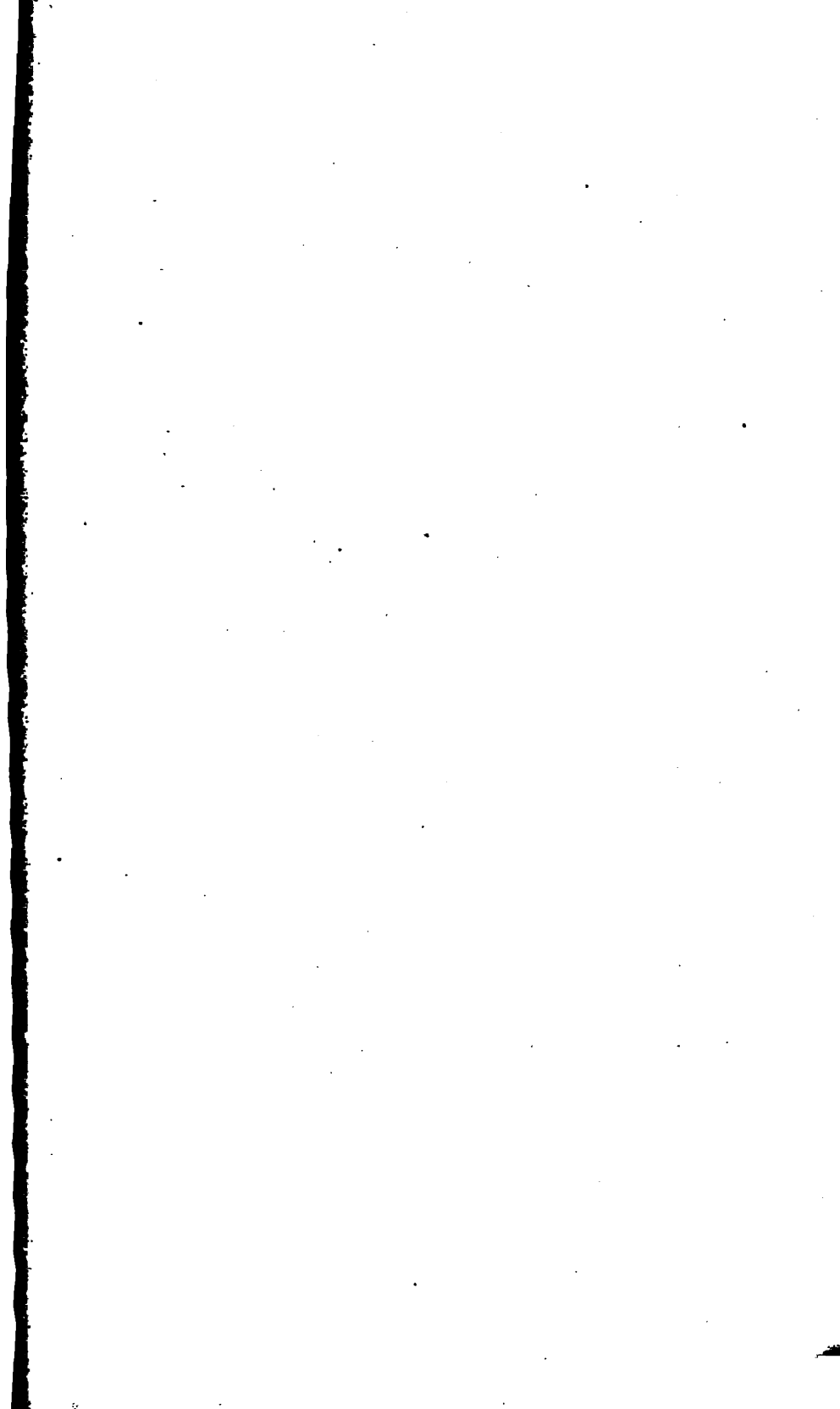
Approved April 10, 1897.

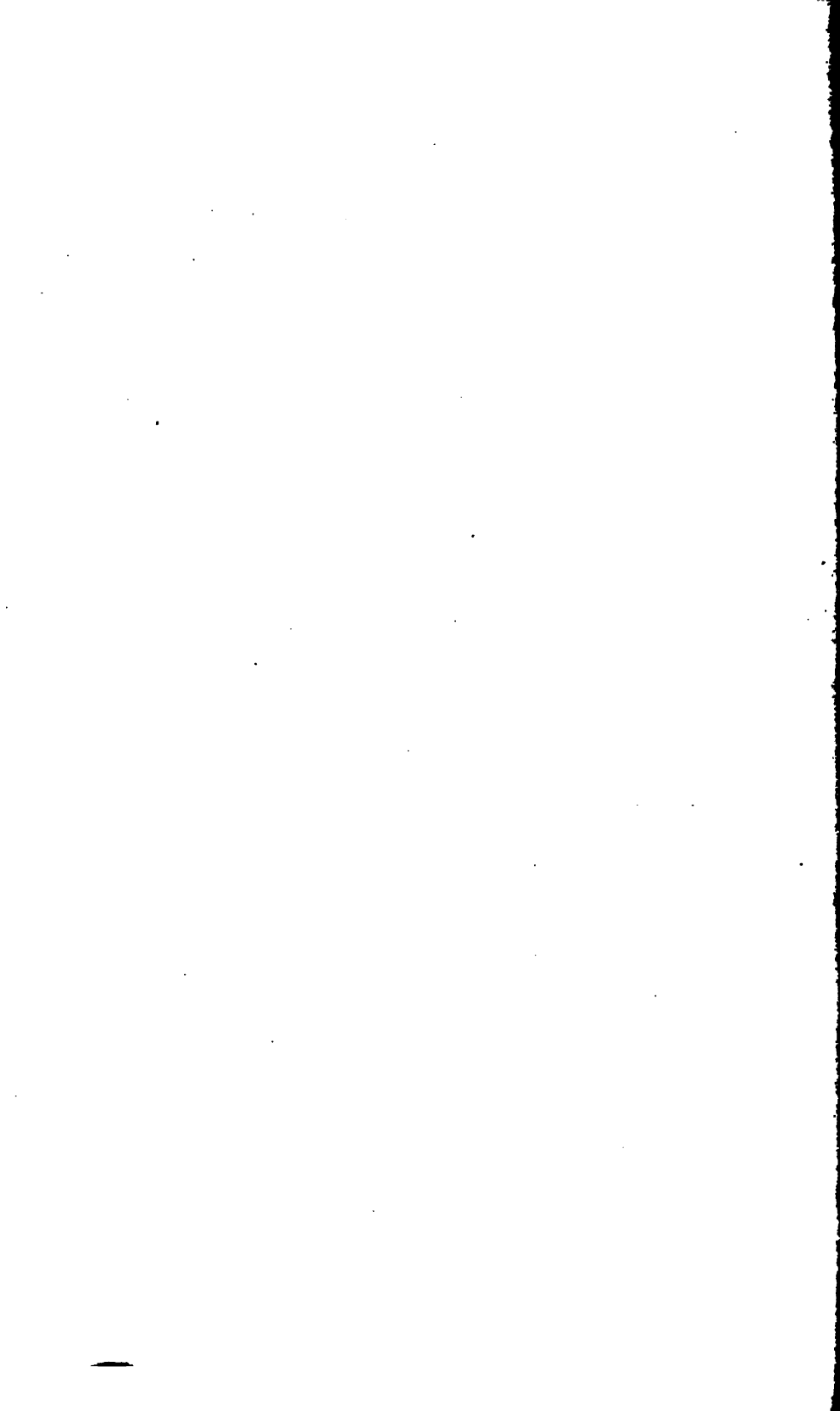
JARED L. BRUSH,
President of the Senate.

EDWIN W. HURLBUT,
Speaker of the House of Representatives.

ALVA ADAMS,
Governor.







LAW

PASSED AT AN

EXTRA SESSION

OF THE

ELEVENTH GENERAL ASSEMBLY

OF THE

STATE OF COLORADO.

Convened at Denver, April 6, A. D. 1897.

PROCLAMATION.

Whereas the Eleventh General Assembly at its regular session did, on the 5th day of April A. D. 1897, adjourn *sine die* without enacting a general appropriation bill providing an appropriation for the ordinary expenses of the executive, legislative and judicial departments of the State for the fiscal years A. D. 1897 and 1898, and

Whereas, the business affairs of the State can not be conducted for the said fiscal years unless said general appropriations shall be made,

Now therefore, I, Alva Adams, Governor of the State of Colorado, do hereby declare and proclaim that an extraordinary occasion exists, and I do hereby order and direct that the General Assembly of the State of Colorado, convene in special session on Tuesday the 6th day of April A. D. 1897 at 10 o'clock a. m., for the sole purpose of considering and passing a general appropriation bill for paying the expenses of the said executive, legislative and judicial departments of the State for said fiscal years A. D. 1897 and 1898.

In witness whereof I have hereunto set my hand and caused the great seal of the State to be affixed.

Done at Denver this sixth day of April, A. D. 1897.

[Seal.]

ALVA ADAMS,
Governor of Colorado.

Attest:

C. H. S. WHIPPLE,
Secretary of State.

CHAPTER I.

APPROPRIATION—EXECUTIVE, LEGISLATIVE AND JUDICIAL.

(H. B. No. 1.)

AN ACT

TO PROVIDE FOR THE ORDINARY AND CONTINGENT EXPENSES OF THE EXECUTIVE, LEGISLATIVE AND JUDICIAL DEPARTMENTS OF THE STATE FOR THE FISCAL YEARS 1897 AND 1898.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That the following sums or so much thereof as may be necessary, are hereby appropriated out of any money in the treasury, belonging to the General Revenue Fund not otherwise appropriated for the salaries and expenses of the executive, legislative and judicial departments of the State for the fiscal years 1897 and 1898, less the amount already paid from the appropriation of one hundred and nine thousand two hundred and nineteen dollars and twenty-eight cents (\$109,219.28), made by the Eleventh General Assembly and approved February 27, 1897, to-wit:

	FOR THE FISCAL YEAR ENDING NOV. 30, 1897.	FOR THE FISCAL YEAR ENDING NOV. 30, 1898.	TOTAL.	
Governor, salary.....	\$ 5,000	\$ 5,000	\$10,000	Governor.
Private Secretary, salary	1,500	1,500	3,000	
Clerk and Stenographer, salary	1,200	1,200	2,400	
Messenger, salary.....	900	900	1,800	
Lieutenant Governor, sal- ary	1,000	1,000	2,000	Lieutenant gov- ernor.

		FOR THE FISCAL YEAR ENDING NOV. 30, 1897.	FOR THE FISCAL YEAR ENDING NOV. 30, 1898.	TOTAL.
Secretary of state.	Secretary of State, salary.	3,000	3,000	6,000
	Deputy Secretary of State, salary.....	2,500	2,500	5,000
	One Chief Clerk, salary..	1,500	1,500	3,000
	One Printing Clerk, sal- ary	1,500	1,500	3,000
	Clerical assistance, sal- aries	5,000	5,000	10,000
	Clerk and Stenographer, salary	1,200	1,200	2,400
	Deputy Labor Commis- sioner, salary.....	1,800	1,800	3,600
	Secretary of State, office expenses	1,000	1,000	2,000
Auditor.	Auditor of State, salary...	2,500	2,500	5,000
	Deputy, salary.....	2,500	2,500	5,000
	Bookkeeper, salary.....	1,500	1,500	3,000
	Clerk and Stenographer, salary	1,200	1,200	2,400
Treasurer.	State Treasurer, salary....	6,000	6,000	12,000
	Deputy Treasurer, salary	2,500	2,500	5,000
	Bookkeeper, salary.....	1,500	1,500	3,000
	Registry Clerk, salary..	1,200	1,200	2,400
Superintendent public instruc- tion.	Superintendent of Public Instruction, salary.....	3,000	3,000	6,000
	Assistant, salary.....	1,500	1,500	3,000
	Traveling expenses.....	500	500	1,000
	Maintenance of State Li- brary	500	500	1,000
	Clerk and Stenographer, salary	1,000	1,000	2,000
	Assistant State Libra- rian	1,000	1,000	2,000

	FOR THE FISCAL YEAR ENDING NOV. 30, 1897.	FOR THE FISCAL YEAR ENDING NOV. 30, 1898.	TOTAL.	
Attorney General, salary..	3,000	3,000	6,000	Attorney gen- eral.
Deputy Attorney Gen- eral, salary.....	2,000	2,000	4,000	
Assistant Attorney Gen- eral, salary.....	1,500	1,500	3,000	
One Clerk, salary.....	1,200	1,200	2,400	
Stenographer, salary....	1,000	1,000	2,000	
Justices of the Supreme Court, three, salaries...	15,000	15,000	30,000	Supreme court.
Clerk Supreme Court, salary	3,500	3,500	7,000	
Deputy Clerk Supreme Court, salary.....	1,500	1,500	3,000	
Reporter of Supreme Court, salary.....	3,000	3,000	6,000	
Bailiff of Supreme Court, salary	1,200	1,200	2,400	
Judges Court of Appeals, three, salaries.....	15,000	15,000	30,000	Court of ap- peals.
Clerk Court of Appeals, salary	3,000	3,000	6,000	
Bailiff Court of Appeals, salary	1,200	1,200	2,400	
Stenographers Court of Appeals, three, sala- ries	3,000	3,000	6,000	
Stenographers of Su- preme Court, three, sal- aries	3,000	3,000	6,000	
District Judges (nineteen) salaries	76,000	76,000	152,000	District judges.
District Attorneys, thir- teen, salaries.....	10,400	10,400	20,800	District attor- neys.

		FOR THE FISCAL YEAR ENDING NOV. 30, 1897.	FOR THE FISCAL YEAR ENDING NOV. 30, 1898.	TOTAL.
State engineer.	State Engineer, salary....	3,000	3,000	6,000
	Assistants, salaries.....	2,500	2,500	5,000
Inspector of coal mines.	Inspector of Coal Mines, salary	2,000	2,000	4,000
	Deputy Inspector, salary	1,500	1,500	3,000
	Clerk, salary.....	500	500	1,000
	Traveling expenses.....	1,000	1,000	2,000
Veterinary surgeon.	State Veterinary Surgeon, salary	1,500	1,500	3,000
Veterinary sanitary board.	State Veterinary Sanitary Board, expenses.....	500	500	1,000
State land board.	Register State Board of Land Commissioners, salary	2,000	2,000	4,000
	Deputy Register, salary.	1,500	1,500	3,000
	Appraisers, salary.....	1,500	1,500	3,000
	Board of Land Commissioners' Clerk, salary...	1,200	1,200	2,400
	Stenographer, salary....	900	900	1,800
Commissioner of mines.	Commissioner of Mines, salary	2,500	2,500	5,000
	Inspectors, two, salaries.	3,000	3,000	6,000
	Stenographer, salary....	1,000	1,000	2,000
	Traveling expenses.....	500	500	1,000
	Inspectors' traveling expenses (two).....	1,500	1,500	3,000
Board of charities and corrections.	State Board of Charities and Corrections.....	1,500	1,500	3,000
Pardons.	State Board of Pardons...	900	900	1,800
Historical society.	Curator State Historical and Natural History Society	750	750	1,500

	FOR THE FISCAL YEAR ENDING NOV. 30, 1897.	FOR THE FISCAL YEAR ENDING NOV. 30, 1898.	TOTAL.	
Secretary of State Board of Equalization.....	1,500	1,500	3,000	Board of equal- ization.
Boiler Inspector, salary...	2,500	2,500	5,000	Boiler inspector.
Assistant Inspector, sal- ary	1,500	1,500	3,000	
Boiler Inspector and as- sistant, expenses.....	500	500	1,000	
All salaries, fees and ex- penses of the Boiler In- spector to be paid out of the fees collected for the inspection of boil- ers.				Salaries and expenses boiler inspector paid out of fees col- lected.
State Dairy Commissioner.	1,200	1,200	2,400	Dairy commis- sioner.
One Deputy Dairy Commis- sioner	1,000	1,000	2,000	
Traveling expenses.....	500	500	1,000	
Forest, Game and Fish Commissioner, salary...	1,200	1,200	2,400	Forest, game and fish com- missioner.
Traveling expenses, For- est, Fish and Game Commissioner	500	500	1,000	
Forest and Game War- dens, three, salaries...	2,700	2,700	5,400	
Traveling expenses for Forest and Game War- dens	900	900	1,800	
Superintendent of Fish Hatcheries, salary.....	1,000	1,000	2,000	
Three Deputies of Fish Hatcheries, salaries...	2,700	2,700	5,400	
Traveling expenses.....	200	200	400	
Publishing Game Laws. ....	.....	.....	100	

	FOR THE FISCAL YEAR ENDING NOV. 30, 1897.	FOR THE FISCAL YEAR ENDING NOV. 30, 1898.	TOTAL.
Biennial [Biennial] Re- port .....	.....	.....	200
Distribution of ova and young fry.....	250	250	500
Per diem and mileage elev- enth general assembly. For the per diem and mile- age of the members of the Eleventh General Assembly, the per diem of the Officers, Clerks, Sergeant-at-Arms, Pages, Janitors, Chaplains, Clerks, or other em- ployees of the Eleventh General Assembly, in ex- cess of the amount al- ready appropriated to pay the salaries above enumerated and not al- ready paid from the ap- propriation of eighty- seven thousand dollars (\$87,000), made by the Eleventh General As- sembly and approved January 28, 1897.....	.....	.....	31,000
Expenses extra session. Expenses of extra session.	.....	.....	3,000
Expenses of state board of land commis- sioners. For expenses of the State Board of Land Commis- sioners, viz: Appraising for lease, advertising, platting, surveying, ex- pense of selling, fees of Register and Receiver and County Clerks fees and expenses, which said			

	FOR THE FISCAL YEAR ENDING NOV. 30, 1897.	FOR THE FISCAL YEAR ENDING NOV. 30, 1898.	TOTAL.
amount may be paid out of the Mineral Land Fund, the School Land Indemnity Fund, or other fund under the control of the State Board of Land Commissioners, as far as applicable	4,000	4,000	8,000
Sec. 2. To provide for the incidental and contingent expenses of the several departments of govern- ment, and the various bu- reaus and offices con- nected therewith, and for the printing for the said departments and bu- reaus, there is hereby ap- propriated the sum of sixty-seven thousand seven hundred dollars (\$67,700) .....	.....	.....	Incidental and contingent ex- penses, execu- tive and judi- cial. Printing. 67,700

Thirty thousand dollars (\$30,000) of which may be used for the printing required by the Eleventh General Assembly for the years 1897 and 1898, viz: House and Senate bills, calendars, roll calls, reports, letter heads and envelopes, rules, bill covers, engrossing blanks, Session Laws of the Eleventh General Assembly in English and Spanish, reports of State officers, departments and institutions, message and inaugural of the Governor, translating Session Laws into Spanish, the House and Senate Journals for 1897, printing the acts and parts of acts or any printing re-

Printing, elev-
enth general
assembly.

quired by law, or ordered by either branch of the General Assembly, or so much thereof as may be necessary.

Contingent
fund.

Under control
state auditing
board.

Meet every
month.

Governor chair-
man.

Secretary serve
without extra
compensation.

Heads of de-
partments make
requisitions to
board for all
supplies.

Furnished in
large quantities
as practicable.

Secretary of
state supply
when ordered
by board.

Sec. 3. The said Contingent Fund shall be under the control and direction of a Board consisting of the Governor of the State, the Auditor of State and the Attorney General. The said Board shall be known as the State Auditing Board, and shall sit at least once in each month for the transaction of business. The Governor shall be Chairman of said Board, and the Secretary of the State Board of Equalization shall act as Secretary of said Board without additional compensation for his services. Every chief officer connected with any of said departments, whether elected or appointed, shall, from time to time as necessities of his department require, make and present to the said Board, estimates of, and requisitions for, all necessary supplies, printing, postage, stationery, telegraph, telephone and mileage charges, legal fees and charges and other expenses, and other supplies which shall be lawfully required for the use of his department, and no such supplies shall be purchased or furnished, and no such expense shall be paid, until the said Board shall have allowed such requisitions. So far as possible, the necessary supplies, and particularly the printing required to be done for the said several offices and departments of the State government, shall be furnished and done in as large quantities and amounts as practicable, and the said Board shall furnish to the Secretary of State, upon requisition as above provided, orders for such supplies and printing as they shall allow, who as the purchasing agent of the State, shall proceed to furnish and supply, and shall furnish and supply the same as required, after proceeding to advertise and take bids therefor as now required by law.

Sec. 4. All supplies, printing and other things herein provided to be furnished, and the mileage and expenses of the various officers and bureaus necessar-

ily expended in carrying on the public business, shall be paid out of the said Contingent Fund under the control of the said Board, and when the bills therefor have been allowed by said Board, the Auditor of State shall draw his warrant or warrants therefor, payable only out of the said Contingent Fund, but the receipts shall accompany vouchers and requisitions for moneys expended.

Paid out of
contingent fund.

Auditor draw
warrants.

Receipts accom-
pany vouchers
and requis-
tions.

Sec. 5. The Auditor shall submit to the General Assembly, in his biennial report, an itemized statement of the expenditures made from the appropriations for the said Contingent Fund.

Auditor make
statement in
biennial report.

Sec. 6. All warrants issued under the provisions of this Act shall be made only to the party to whom the State has become indebted, including herein all subordinates and employees of heads of departments, and all accounts for services rendered and items furnished, shall, before the issuance of a warrant therefor, be itemized and sworn to before an officer authorized by law to make affidavits, except in the case of duly elected or appointed officers of the State receiving a fixed compensation by law, and the same approved by the proper officer of the State; Provided, That in all cases of cash paid out by the officers for traveling expenses and mileage, said itemized account must be accompanied by proper vouchers therefor, signed by the party to whom such money has been paid; Provided, further, That no warrants shall be drawn under the provisions of this Act to any officer, or on any fund, until all fees and emoluments of any kind or nature collected by such officer for the preceding month, shall have been accounted for under oath, and the amounts turned over to the State Treasurer; and Provided, further, That no warrants shall be drawn under the provisions of this Act, to any officer for mileage charges or fare for traveling done by him in connection with the duties of his office, until he shall make and file with the officer issuing the warrant, his affidavit that no part of said traveling was

How warrants
issued.

Accounts item-
ized and affida-
vit made
except.

Traveling
expenses and
mileage.

No warrants
drawn until
fees collected
are accounted
for under oath
and turned over
to state treas-
urer.

No warrants
drawn for mile-
age if on free
pass or excess-
ive.

done on a free or complimentary pass, and that the said charges are not in excess of the amount actually paid by him on account of such traveling.

Unexpended
balance to gen-
eral fund.

Sec. 7. All unexpended balances remaining to the credit of any appropriation herein mentioned, shall, when all bills have been paid, be transferred to the General Fund.

Emergency.

Sec. 8. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

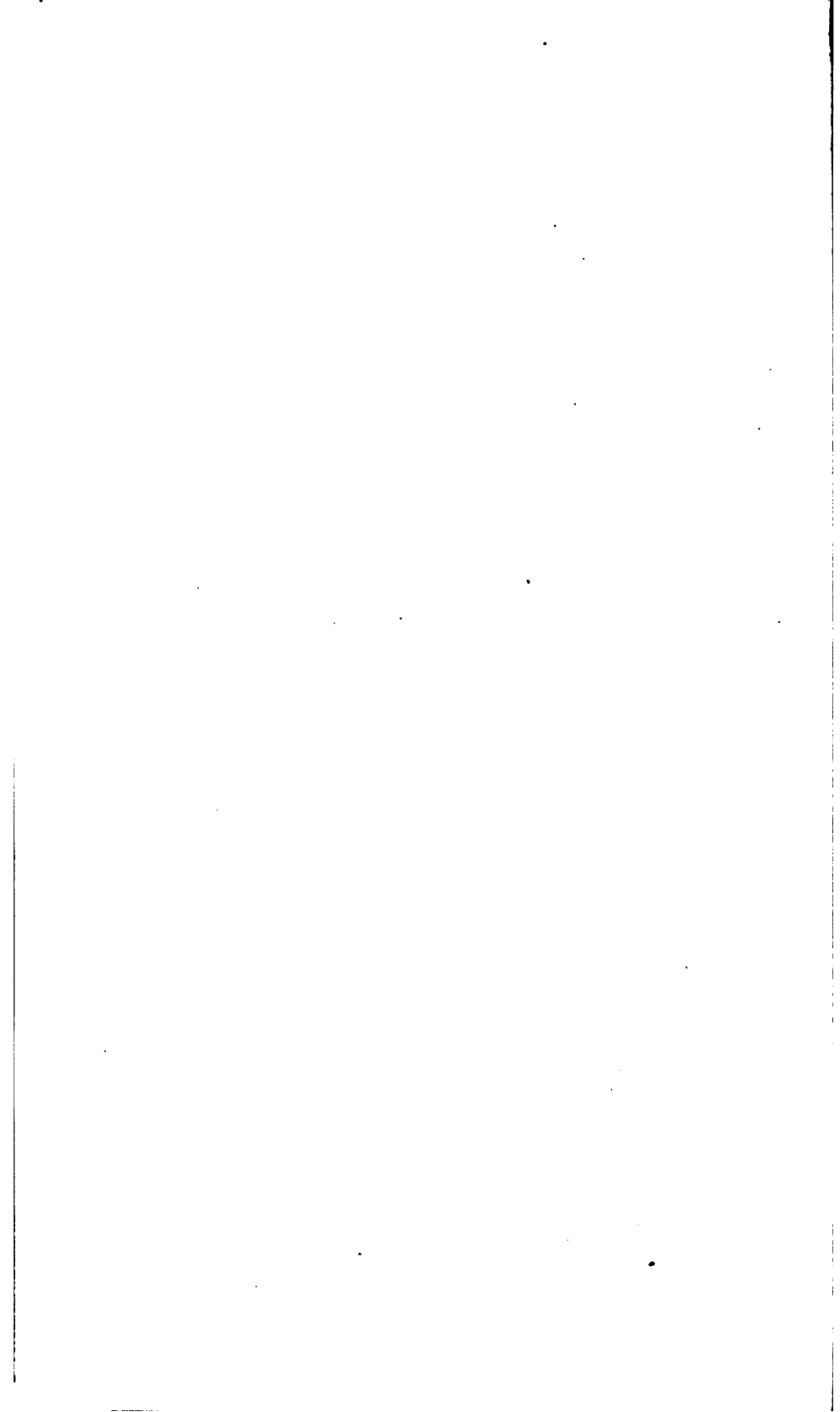
Approved April 13, 1897.

JARED L. BRUSH,
President of the Senate.

EDWIN W. HURLBUT,
Speaker of the House of Representatives.

ALVA ADAMS,
Governor.

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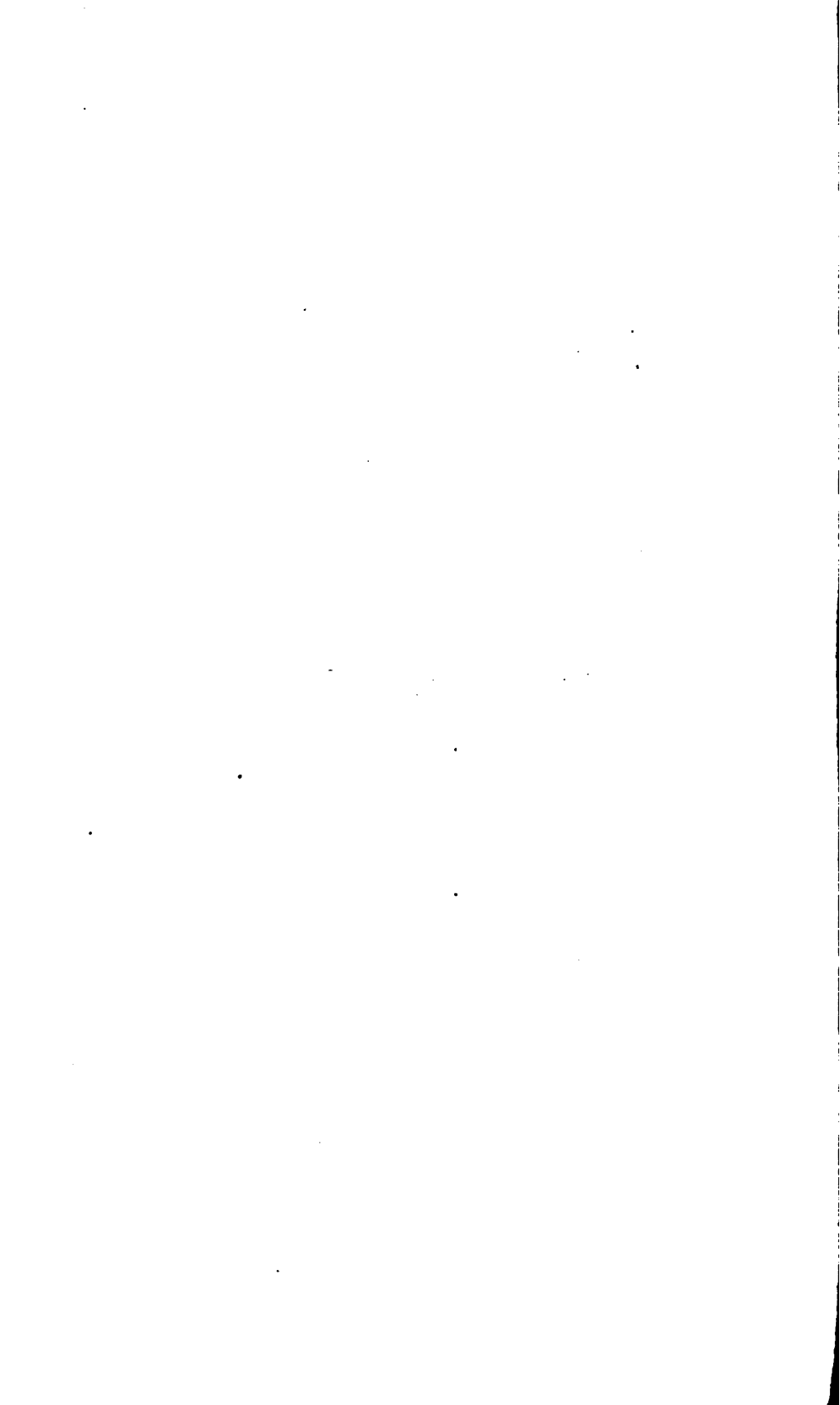
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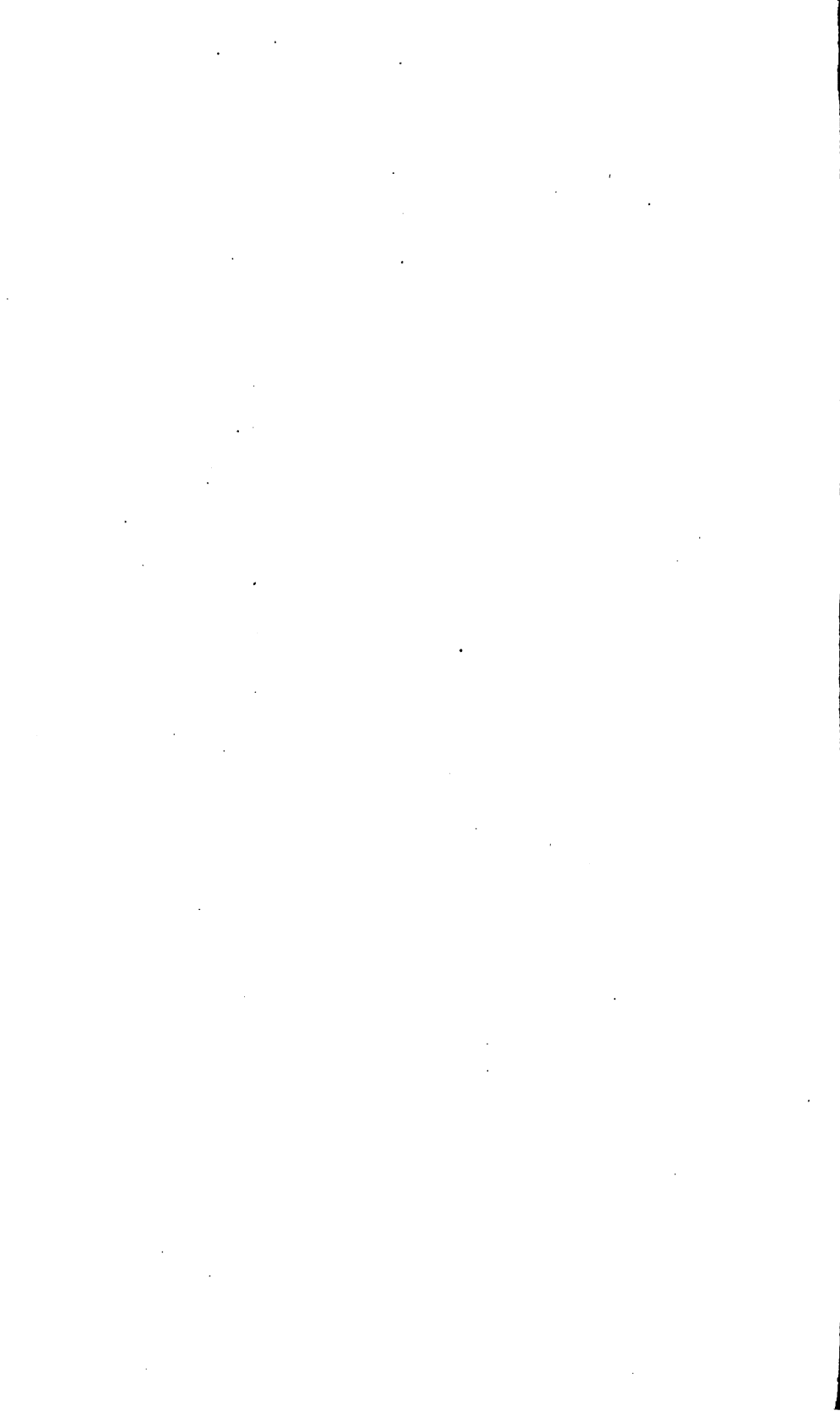
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